

SENATE BILL 305
EMERGENCY BILL

Unofficial Copy
P5

2002 Regular Session
2lr0396

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

Introduced and read first time: January 24, 2002

Assigned to: Rules

Committee Report: Favorable

Senate action: Adopted

Read second time: February 14, 2002

CHAPTER 19

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; correcting
5 certain obsolete references; providing that this Act is not intended to affect any
6 law other than to correct technical errors; repealing certain provisions of law;
7 renumbering certain sections of the Annotated Code; reorganizing certain
8 sections of the Annotated Code; validating and ratifying certain corrections
9 made by the publisher of the Annotated Code; providing for the future correction
10 of certain errors and obsolete provisions by the publisher of the Annotated Code;
11 providing for the effect and construction of certain provisions of this Act;
12 providing for the effective date of certain provisions of this Act; and making this
13 Act an emergency measure.

14 BY repealing and reenacting, without amendments,
15 Article 20C - Mid-Shore Regional Council
16 Section 1-103(a) and 2-101(a)
17 Annotated Code of Maryland
18 (2001 Replacement Volume)

19 BY repealing and reenacting, without amendments,
20 Article 25 - County Commissioners
21 Section 10D-1(b)(2)
22 Annotated Code of Maryland
23 (2001 Replacement Volume)

24 BY repealing and reenacting, with amendments,

1 Article 27 - Crimes and Punishments
2 Section 27A(f)
3 Annotated Code of Maryland
4 (1996 Replacement Volume and 2001 Supplement)
5 (As enacted by Chapter 108 of the Acts of the General Assembly of 2001)

6 BY repealing and reenacting, with amendments,
7 Article 27 - Crimes and Punishments
8 Section 36E(h)(1)
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 2001 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article 27 - Crimes and Punishments
13 Section 194A(a)(3)(ii) and (d)(2)
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 2001 Supplement)
16 (As enacted by Chapter 596 of the Acts of the General Assembly of 2001)

17 BY repealing and reenacting, with amendments,
18 Article 33 - Election Code
19 Section 7-103(d)(3)
20 Annotated Code of Maryland
21 (1997 Replacement Volume and 2001 Supplement)
22 (As enacted by Chapter 49 of the Acts of the General Assembly of 2001)

23 BY repealing and reenacting, with amendments,
24 Article 41 - Governor - Executive and Administrative Departments
25 Section 6-7A-03(e)(1) and 6-7A-06
26 Annotated Code of Maryland
27 (1997 Replacement Volume and 2001 Supplement)
28 (As enacted by Chapter 495 of the Acts of the General Assembly of 2001)

29 BY repealing and reenacting, with amendments,
30 Article 41 - Governor - Executive and Administrative Departments
31 Section 18-403(a)
32 Annotated Code of Maryland
33 (1997 Replacement Volume and 2001 Supplement)
34 (As enacted by Chapter 395 of the Acts of the General Assembly of 2001)

35 BY repealing and reenacting, with amendments,
36 Article 41 - Governor - Executive and Administrative Departments
37 Section 18-403(b)

1 Annotated Code of Maryland
2 (1997 Replacement Volume and 2001 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article 70B - Department of Aging
5 Section 9(a)
6 Annotated Code of Maryland
7 (1998 Replacement Volume and 2001 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article 83A - Department of Business and Economic Development
10 Section 4-702(e)(2)
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 2001 Supplement)
13 (As enacted by Chapter 608 of the Acts of the General Assembly of 2001)

14 BY repealing and reenacting, with amendments,
15 Article 83A - Department of Business and Economic Development
16 Section 5-206(h)(3)(iii)
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 2001 Supplement)
19 (As enacted by Chapter 338 of the Acts of the General Assembly of 2001)

20 BY repealing and reenacting, with amendments,
21 Article 83A - Department of Business and Economic Development
22 Section 5-1303(d)(3)(iv)
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 2001 Supplement)
25 (As enacted by Chapter 664 of the Acts of the General Assembly of 2001)

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 2001 Supplement)

31 BY repealing and reenacting, with amendments,
32 Article 88A - Department of Human Resources
33 Section 53A(f)(1)
34 Annotated Code of Maryland
35 (1998 Replacement Volume and 2001 Supplement)
36 (As enacted by Chapter 395 of the Acts of the General Assembly of 2001)

- 1 BY repealing and reenacting, with amendments,
2 Article 88A - Department of Human Resources
3 Section 65A(c)(1) and 94(a)(4)
4 Annotated Code of Maryland
5 (1998 Replacement Volume and 2001 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article 88A - Department of Human Resources
8 Section 94(c)
9 Annotated Code of Maryland
10 (1998 Replacement Volume and 2001 Supplement)
11 (As enacted by Chapters 372 and 373 of the Acts of the General Assembly of
12 2001)
- 13 BY repealing and reenacting, with amendments,
14 Article 88B - Department of State Police
15 Section 81(a)(2)(i)8.
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 2001 Supplement)
- 18 BY repealing and reenacting, with amendments,
19 Article - Agriculture
20 Section 8-804(b)
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 2001 Supplement)
- 23 BY repealing
24 Article - Business Occupations and Professions
25 Section 5-703
26 Annotated Code of Maryland
27 (2000 Replacement Volume and 2001 Supplement)
- 28 BY repealing and reenacting, with amendments,
29 Article - Business Occupations and Professions
30 Section 10-406(a), 11-506(e), 16-701(a)(1)(xi), (2), and (3), and 16-706(b)
31 Annotated Code of Maryland
32 (2000 Replacement Volume and 2001 Supplement)
- 33 BY repealing and reenacting, with amendments,
34 Article - Business Occupations and Professions
35 Section 16-210(b)(2), 16-701.1, and 16-707(b)(5)
36 Annotated Code of Maryland
37 (2000 Replacement Volume and 2001 Supplement)

1 (As enacted by Chapter 470 of the Acts of the General Assembly of 2001)

2 BY repealing and reenacting, with amendments,

3 Article - Business Regulation

4 Section 11-1208(a) and 17-1814(a)

5 Annotated Code of Maryland

6 (1998 Replacement Volume and 2001 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Corporations and Associations

9 Section 2-408(c) and 11-601(13) and (14)

10 Annotated Code of Maryland

11 (1999 Replacement Volume and 2001 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article - Correctional Services

14 Section 6-203(c)

15 Annotated Code of Maryland

16 (1999 Volume and 2001 Supplement)

17 (As enacted by Chapter 123 of the Acts of the General Assembly of 2001)

18 BY repealing and reenacting, with amendments,

19 Article - Courts and Judicial Proceedings

20 Section 1-703(a), 2-309(q)(3)(ii), 3-801(i), 3-806(a), 3-808, 3-815(c)(2)(ii),

21 3-824(c), 5-805(a)(5), 8-102(b), 11-502(a), and 12-303

22 Annotated Code of Maryland

23 (1998 Replacement Volume and 2001 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article - Courts and Judicial Proceedings

26 Section 2-309(h)

27 Annotated Code of Maryland

28 (1998 Replacement Volume and 2001 Supplement)

29 (As enacted by Chapters 542, 623, and 708 of the Acts of the General Assembly

30 of 2001)

31 BY repealing and reenacting, with amendments,

32 Article - Courts and Judicial Proceedings

33 Section 3-8A-27(b)(3)(ii)

34 Annotated Code of Maryland

35 (1998 Replacement Volume and 2001 Supplement)

36 (As enacted by Chapter 35 of the Acts of the General Assembly of 2001)

37 BY repealing and reenacting, with amendments,

1 Article - Courts and Judicial Proceedings
2 Section 4-301(b)(13), (14), (15), and (16) and 4-302(a) and (d)(1)(ii)
3 Annotated Code of Maryland
4 (1998 Replacement Volume and 2001 Supplement)
5 (As enacted by Chapters 592, 593, and 596 of the Acts of the General Assembly
6 of 2001)

7 BY repealing and reenacting, with amendments,
8 Article - Criminal Procedure
9 Section 3-123(a)(2), 6-218(b)(2), and 10-105(c)(2)
10 Annotated Code of Maryland
11 (2001 Volume)

12 BY repealing and reenacting, without amendments,
13 Article - Criminal Procedure
14 Section 5-101(c), 5-209(a) and (e)(2), 8-101, 8-102(c), 8-103, 8-104, 8-105(c)(3),
15 8-109, 11-101(c), 11-203, 11-302(g), 11-601(h), 11-617(b) and (d)(1), and
16 12-303
17 Annotated Code of Maryland
18 (2001 Volume)

19 BY repealing and reenacting, with amendments,
20 Article - Education
21 Section 3-108.1(j)(2), 3-109(d), 18-601(d)(3) through (7) and (f)(2), 21-501(d),
22 and 26-104(a)
23 Annotated Code of Maryland
24 (2001 Replacement Volume)

25 BY repealing and reenacting, without amendments,
26 Article - Education
27 Section 16-414.1(a)(16) and 26-102(b)(1)
28 Annotated Code of Maryland
29 (2001 Replacement Volume)

30 BY repealing and reenacting, with amendments,
31 Article - Environment
32 Section 9-505(a)(19)(iii) and 9-1606(f)
33 Annotated Code of Maryland
34 (1996 Replacement Volume and 2001 Supplement)

35 BY repealing and reenacting, with amendments,
36 Article - Estates and Trusts
37 Section 2-108(v)

- 1 Annotated Code of Maryland
2 (2001 Replacement Volume and 2001 Supplement)
- 3 BY repealing and reenacting, with amendments,
4 Article - Family Law
5 Section 4-509(b), 5-501(e), 9-204(a)(4), and 10-119.1(c)(6)
6 Annotated Code of Maryland
7 (1999 Replacement Volume and 2001 Supplement)
- 8 BY repealing and reenacting, with amendments,
9 Article - Financial Institutions
10 Section 6-609(b)(2)(iv), 6-803(g)(1), and 6-804(c)(1)
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 2001 Supplement)
13 (As enacted by Chapters 147 and 148 of the Acts of the General Assembly of
14 2001)
- 15 BY repealing and reenacting, with amendments,
16 Article - Health - General
17 Section 5-602.1
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2001 Supplement)
20 (As enacted by Chapter 267 of the Acts of the General Assembly of 2001)
- 21 BY repealing and reenacting, with amendments,
22 Article - Health - General
23 Section 8-401(a), 15-133(c), 15-604(d), 17-202(d)(1), 19-713.2(b), and
24 21-1113(h)
25 Annotated Code of Maryland
26 (2000 Replacement Volume and 2001 Supplement)
- 27 BY repealing and reenacting, with amendments,
28 Article - Health - General
29 Section 15-103.3(d)(2)
30 Annotated Code of Maryland
31 (2000 Replacement Volume and 2001 Supplement)
32 (As enacted by Chapter 77 of the Acts of the General Assembly of 2001)
- 33 BY repealing and reenacting, with amendments,
34 Article - Health - General
35 Section 17-214(a)(4) and (k)(2)
36 Annotated Code of Maryland
37 (2000 Replacement Volume and 2001 Supplement)

- 1 (As enacted by Chapter 615 of the Acts of the General Assembly of 2001)
- 2 BY repealing and reenacting, with amendments,
3 Article - Health - General
4 Section 19-303(d)(3) and (4)
5 Annotated Code of Maryland
6 (2000 Replacement Volume and 2001 Supplement)
7 (As enacted by Chapter 178 of the Acts of the General Assembly of 2001)
- 8 BY repealing and reenacting, with amendments,
9 Article - Health Occupations
10 Section 1A-316(a)(4), 4-308(f)(3), 8-208(m)(1), (n), and (p), 8-6A-01(f),
11 14-413(a)(1)(ii)5., 15-101(s), and 15-314(6)
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2001 Supplement)
- 14 BY repealing and reenacting, with amendments,
15 Article - Health Occupations
16 Section 14-405(a)
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2001 Supplement)
19 (As enacted by Chapters 478 and 479 of the Acts of the General Assembly of
20 2001)
- 21 BY repealing and reenacting, with amendments,
22 Article - Insurance
23 Section 8-109(a)(1), 10-116.1(f), and 10-126(g)(3)
24 Annotated Code of Maryland
25 (1997 Volume and 2001 Supplement)
26 (As enacted by Chapter 731 of the Acts of the General Assembly of 2001)
- 27 BY repealing and reenacting, with amendments,
28 Article - Insurance
29 Section 10-117(b)(2), 10-128(a)(3)(iii), and 15-10A-02(f)(2)(v)5.
30 Annotated Code of Maryland
31 (1997 Volume and 2001 Supplement)
- 32 BY repealing and reenacting, with amendments,
33 Article - Insurance
34 Section 14-107(b)(2)
35 Annotated Code of Maryland
36 (1997 Volume and 2001 Supplement)
37 (As enacted by Chapter 178 of the Acts of the General Assembly of 2001)

1 BY repealing and reenacting, with amendments,
2 Article - Insurance
3 Section 27-216(b)(2)(iv) and 27-503(e)
4 Annotated Code of Maryland
5 (1997 Volume and 2001 Supplement)
6 (As enacted by Chapter 731 of the Acts of the General Assembly of 2001)

7 BY repealing and reenacting, with amendments,
8 Article - Insurance
9 Section 27-216(d)(1)
10 Annotated Code of Maryland
11 (1997 Volume and 2001 Supplement)
12 (As enacted by Chapter 218 of the Acts of the General Assembly of 2001)

13 BY repealing and reenacting, with amendments,
14 Article - Insurance
15 Section 27-503(b)(2)
16 Annotated Code of Maryland
17 (1997 Volume and 2001 Supplement)
18 (As enacted by Chapter 35 of the Acts of the General Assembly of 1997)

19 BY repealing and reenacting, with amendments,
20 Article - Labor and Employment
21 Section 8-1001(d)
22 Annotated Code of Maryland
23 (1999 Replacement Volume and 2001 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Labor and Employment
26 Section 11-503(c)(2), (3), and (6)
27 Annotated Code of Maryland
28 (1999 Replacement Volume and 2001 Supplement)
29 (As enacted by Chapter 315 of the Acts of the General Assembly of 2001)

30 BY repealing and reenacting, with amendments,
31 Article - Natural Resources
32 Section 5-15A-02(b)
33 Annotated Code of Maryland
34 (2000 Replacement Volume and 2001 Supplement)
35 (As enacted by Chapter 570 of the Acts of the General Assembly of 2001)

36 BY repealing and reenacting, with amendments,
37 Article - Natural Resources

1 Section 5-15A-02(d)(1) and 8-738(b)(2)
2 Annotated Code of Maryland
3 (2000 Replacement Volume and 2001 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - Public Utility Companies
6 Section 3-203, 4-401, 4-402(a)(1)(i), 6-207(6), and 8-201(a)
7 Annotated Code of Maryland
8 (1998 Volume and 2001 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article - State Finance and Procurement
11 Section 13-321(a)
12 Annotated Code of Maryland
13 (2001 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article - State Government
16 Section 9-1405(b)(10), 9-1406(h)(3), and 10-110(b)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2001 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - State Government
21 Section 9-2404(c)(1)
22 Annotated Code of Maryland
23 (1999 Replacement Volume and 2001 Supplement)
24 (As enacted by Chapter 537 of the Acts of the General Assembly of 2001)

25 BY repealing and reenacting, with amendments,
26 Article - State Government
27 Section 10-135(b)(1)(iii)
28 Annotated Code of Maryland
29 (1999 Replacement Volume and 2001 Supplement)
30 (As enacted by Chapter 380 of the Acts of the General Assembly of 2001)

31 BY repealing and reenacting, with amendments,
32 Article - State Government
33 Section 12-101(a)(2)(viii)
34 Annotated Code of Maryland
35 (1999 Replacement Volume and 2001 Supplement)
36 (As enacted by Chapter 448 of the Acts of the General Assembly of 2001)

- 1 BY repealing and reenacting, with amendments,
2 Article - State Government
3 Section 13-304
4 Annotated Code of Maryland
5 (1999 Replacement Volume and 2001 Supplement)
6 (As enacted by Chapter 29 of the Acts of the General Assembly of 2001)
- 7 BY repealing and reenacting, with amendments,
8 Article - State Personnel and Pensions
9 Section 3-102(b)(4)(i), 21-304(d), 21-305.5(e)(4), 21-307(j)(1), 22-406(b)(4), and
10 23-407(b)(4)
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 2001 Supplement)
- 13 BY repealing and reenacting, with amendments,
14 Article - State Personnel and Pensions
15 Section 3-102(b)(13) and 3-403(d)(2)
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 2001 Supplement)
18 (As enacted by Chapter 341 of the Acts of the General Assembly of 2001)
- 19 BY repealing and reenacting, with amendments,
20 Article - State Personnel and Pensions
21 Section 23-407(j)
22 Annotated Code of Maryland
23 (1997 Replacement Volume and 2001 Supplement)
24 (As enacted by Chapter 732 of the Acts of the General Assembly of 2001)
- 25 BY repealing and reenacting, with amendments,
26 Article - Tax - General
27 Section 10-207(r)
28 Annotated Code of Maryland
29 (1997 Replacement Volume and 2001 Supplement)
- 30 BY repealing and reenacting, with amendments,
31 Article - Tax - General
32 Section 10-209(a)(2)(ii)
33 Annotated Code of Maryland
34 (1997 Replacement Volume and 2001 Supplement)
35 (As enacted by Chapter 29 of the Acts of the General Assembly of 2001)
- 36 BY repealing and reenacting, with amendments,
37 Article - Tax - General

1 Section 10-702(d)(1)(i)1.
2 Annotated Code of Maryland
3 (1997 Replacement Volume and 2001 Supplement)
4 (As enacted by Chapter 305 of the Acts of the General Assembly of 2001)

5 BY repealing and reenacting, with amendments,
6 Article - Transportation
7 Section 2-103.3(a)(1) and 3-519(b)
8 Annotated Code of Maryland
9 (2001 Replacement Volume)

10 BY repealing and reenacting, without amendments,
11 Article - Transportation
12 Section 8-627(a)
13 Annotated Code of Maryland
14 (2001 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 13-616(b)(1)(i), 13-616.1(a), 13-955(e)(5), 16-105(f)(2)(i),
18 23-206.2(a)(1)(ii), and 25-201(b)(7)
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2001 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Transportation
23 Section 22-218(c)(10)
24 Annotated Code of Maryland
25 (1999 Replacement Volume and 2001 Supplement)
26 (As enacted by Chapter 490 of the Acts of the General Assembly of 2001)

27 BY repealing and reenacting, with amendments,
28 Chapter 249 of the Acts of the General Assembly of 1999, as amended by
29 Chapter 94 of the Acts of the General Assembly of 2001
30 Section 1(5)

31 BY repealing and reenacting, with amendments,
32 Chapter 309 of the Acts of the General Assembly of 2000
33 Section 6(e)

34 BY repealing and reenacting, with amendments,
35 Chapter 299 of the Acts of the General Assembly of 2001
36 Section 3

1 BY repealing and reenacting, with amendments,
2 Chapter 725 of the Acts of the General Assembly of 2001
3 Section 2

4 BY repealing
5 The article designation Article 26A - Criminal Injuries Compensation Act
6 Annotated Code of Maryland
7 (2001 Replacement Volume)

8 BY repealing and reenacting, with amendments,
9 Article - State Personnel and Pensions
10 Section 22-406(b)(4) and 23-407(b)(4)
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 2001 Supplement)
13 (As enacted by Chapter 733 of the Acts of the General Assembly of 2001)

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

16 **Article 20C - Mid-Shore Regional Council**

17 1-103.

18 (a) (1) The Council is a tax-exempt public body corporate and politic which
19 operates as a cooperative planning and development agency within the region to
20 foster the physical, economic, and social development of the region and utilizes
21 effectively the assistance provided by the State.

22 (2) The Council initiates and coordinates plans and projects for the
23 development of human and economic resources of the Mid-Shore region as a
24 Mid-Shore planning and development agency.

25 DRAFTER'S NOTE:

26 Error: Stylistic error in Article 20C, § 1-103(a).

27 Occurred: Ch. 528, Acts of 2001. Correction by the publisher of the
28 Annotated Code in the 2001 Replacement Volume is validated by this Act.

29 2-101.

30 (a) The membership of the Council consists of the following members from
31 Caroline, Dorchester, and Talbot counties:

32 (1) Nine commissioners, three from each county, appointed by their
33 respective county governing bodies as voting members;

1 (2) Three county administrators, one from each county as nonvoting ex
2 officio members;

3 (3) (i) Three municipal elected officials, one from each county,
4 appointed by their respective municipal corporations as voting members; or

5 (ii) If the municipal corporations located in a county are unable to
6 choose a municipal elected official within a reasonable period of time, the Eastern
7 Shore Municipal Association shall appoint an elected municipal official to represent
8 the municipal corporation;

9 (4) Members of the General Assembly representing the region who have
10 a majority of their legislative district in the region as voting ex officio members;

11 (5) Members of the General Assembly representing the region who do not
12 have a majority of their legislative district in the region as nonvoting ex officio
13 members; and

14 (6) The other commissioners as nonvoting ex officio members.

15 DRAFTER'S NOTE:

16 Error: Stylistic error in Article 20C, § 2-101(a)(1).

17 Occurred: Ch. 528, Acts of 2001. Correction by the publisher of the
18 Annotated Code in the 2001 Replacement Volume is validated by this Act.

19

Article 25 - County Commissioners

20 10D-1.

21 (b) (2) By ordinance, the County Commissioners of St. Mary's County may
22 enact an exemption to the building impact fee imposed under paragraph (1) of this
23 subsection for the first 3 lots, in a minor subdivision, that:

24 (i) Were recorded after June 1, 2000 and created from a parcel of
25 record or a lot of record; and

26 (ii) Transferred to a natural, direct lineal descendant, or a legally
27 adopted son, daughter, grandson, or granddaughter.

28 DRAFTER'S NOTE:

29 Error: Incorrect word usage in Article 25, § 10D-1(b)(2)(ii).

30 Occurred: Ch. 692, Acts of 2001. Correction by the publisher of the
31 Annotated Code in the 2001 Replacement Volume is validated by this Act.

Article 27 - Crimes and Punishments

2 27A.

3 (f) "Firearm" includes:

4 [(i)] (1) A handgun, antique firearm, rifle, shotgun, short-barreled
5 shotgun, or short-barreled rifle, as defined in § 36F of this article;

6 [(ii)] (2) A machine gun, as defined in § 372 of this article;

7 [(iii)] (3) A regulated firearm as defined in § 441 of this article; and

8 [(iv)] (4) An assault pistol, as defined in § 36H-1 of this article.

9 DRAFTER'S NOTE:

10 Error: Incorrect tabulation in Article 27, § 27A(f).

11 Occurred: Ch. 108, Acts of 2001. Correction by the publisher of the
12 Annotated Code in the 2001 Supplement to the 1996 Replacement Volume
13 is ratified by this Act.

14 36E.

15 (h) (1) There is created a Handgun Permit Review Board as a separate
16 agency within the Department of Public Safety and Correctional Services. The Board
17 shall consist of five members appointed from the general public by the Governor with
18 the advice and consent of the Senate of Maryland and shall hold office for terms of
19 three years. The members shall hold office for a term of one, two, and three years,
20 respectively, to be designated by the Governor. After the first appointment, the
21 Governor shall annually appoint a member of the Board in the place of the member
22 whose term shall expire. Members of the Board shall be eligible for reappointment. In
23 case of any vacancy [in] ON the Board, the Governor shall fill the vacancy by the
24 appointment of a member to serve until the expiration of the term for which the
25 person had been appointed. Each member of the Board shall receive per diem
26 compensation as provided in the budget for each day actually engaged in the
27 discharge of his official duties as well as reimbursement, in accordance with the
28 Standard State Travel Regulations, for all necessary and proper expenses.

29 DRAFTER'S NOTE:

30 Error: Incorrect word usage in Article 27, § 36E(h)(1).

31 Occurred: Ch. 13, Acts of 1972.

32 194A.

33 (a) (3) "Manufacture" or "assemble", with respect to an unlawful access
34 device, means:

1 (ii) To modify, alter, program, or reprogram an instrument, device,
 2 machine, equipment, technology, or software, so that it is capable of defeating or
 3 circumventing technology, software, or a device that is used by the provider, owner, or
 4 licensee of a telecommunication service or of a data, audio, or video program or
 5 transmission, to protect the telecommunication, data, audio, or video service,
 6 program, or transmission from unauthorized receipt, acquisition, access,
 7 [description] DECRYPTION, disclosure, communication, transmission, or
 8 retransmission; or

9 (d) (2) A person who violates this section is guilty of a felony and on
 10 conviction is subject to imprisonment not exceeding [(10)] 10 years or a fine not
 11 exceeding \$10,000 or both if the violation of this section involves more than 100
 12 unlawful telecommunication devices or access codes or unlawful access devices.

13 DRAFTER'S NOTE:

14 Error: Incorrect word usage in Article 27, § 194A(a)(3)(ii); extraneous
 15 parentheses in Article 27, § 194A(d)(2).

16 Occurred: Ch. 596, Acts of 2001. Correction of the error in § 194A(d)(2)
 17 by the publisher of the Annotated Code in the 2001 Supplement to the
 18 1996 Replacement Volume is ratified by this Act.

19 **Article 33 - Election Code**

20 7-103.

21 (d) (3) Questions certified under subsection (c)(3)(i) or (ii) of this section
 22 shall be assigned an alphabetical identifier in an order established by the [the]
 23 certifying authority, consistent with and following the questions certified by the State
 24 Board.

25 DRAFTER'S NOTE:

26 Error: Extraneous article in Art. 33, § 7-103(d)(3).

27 Occurred: Ch. 49, Acts of 2001. Correction by the publisher of the
 28 Annotated Code in the 2001 Supplement to the 1997 Replacement Volume
 29 is ratified by this Act.

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

31 6-7A-03.

32 (e) (1) Each consumer's program of services shall be based upon a
 33 [mutually-agreed] MUTUALLY AGREED upon individual services plan, jointly
 34 developed by the consumer and the Department or its designee.

35 DRAFTER'S NOTE:

1 Error: Extraneous hyphen in Article 41, § 6-7A-03(e)(1).

2 Occurred: Ch. 495, Acts of 2001. Correction by the publisher of the
3 Annotated Code in the 2001 Supplement to the 1997 Replacement Volume
4 is ratified by this Act.

5 6-7A-06.

6 Subject to § 2-1246 of the State Government Article, the Department shall
7 report to the General Assembly every 3 months concerning the status and
8 development of the program under this subtitle, including the number of individuals
9 budgeted for the Medicaid home- and community-services based [waiver] WAIVER.
10 The first report shall be submitted on October 1, 2001.

11 DRAFTER'S NOTE:

12 Error: Omitted period in Article 41, § 6-7A-06.

13 Occurred: Ch. 495, Acts of 2001. Correction by the publisher of the
14 Annotated Code in the 2001 Supplement to the 1997 Replacement Volume
15 is ratified by this Act.

16 18-403.

17 (a) The Commission consists of the following 18 members appointed by the
18 Governor:

19 (1) The Secretary of Human Resources;

20 (2) The Secretary of Health and Mental Hygiene;

21 (3) The Secretary of Labor, [Licensing] LICENSING, and Regulation;

22 (4) The Secretary of Budget and Management;

23 (5) The State Superintendent of Schools;

24 (6) The Special Secretary of the Office for Children, Youth, and Families;

25 (7) One judge assigned to the Family Division of a circuit court
26 nominated by the Chief Judge of the Court of Appeals;

27 (8) One member of the Senate of Maryland nominated by the President
28 of the Senate;

29 (9) One member of the House of Delegates of Maryland nominated by the
30 Speaker of the House;

31 (10) Three persons with extensive programmatic or academic experience
32 with noncustodial fathers and their children;

1 (11) Three persons including representatives of community, parent, or
2 religious groups or organizations who have interest or expertise in matters pertaining
3 to noncustodial fathers and their children;

4 (12) Two representatives of local government in areas with a significant
5 incidence of noncustodial fathers; and

6 (13) One noncustodial father.

7 DRAFTER'S NOTE:

8 Error: Omitted comma in Article 41, § 18-403(a)(3).

9 Occurred: Ch. 395, Acts of 2001. Correction by the publisher of the
10 Annotated Code in the 2001 Supplement to the 1997 Replacement Volume
11 is ratified by this Act.

12 (b) (1) The term of a member appointed pursuant to subsection [(a)(9),]
13 (A)(10), [and (11)] (11), AND (12) of this section shall be 3 years.

14 (2) The terms of the members appointed pursuant to subsection [(a)(12)]
15 (A)(13) of this section shall be 2 years.

16 (3) The terms of members appointed pursuant to subsection [(a)(9),]
17 (A)(10), (11), [and (12)] (12), AND (13) of this section shall be staggered.

18 (4) At the end of a term, a member shall continue to serve until a
19 successor is appointed and qualifies.

20 (5) A member who is appointed pursuant to subsection [(a)(9),] (A)(10),
21 (11), [or] (12), OR (13) of this section after a term has begun shall serve only for the
22 rest of the term or until a successor is appointed.

23 DRAFTER'S NOTE:

24 Error: Incorrect cross-references in Article 41, § 18-403(b).

25 Occurred: Ch. 395, Acts of 2001.

26 **Article 70B - Department of Aging**

27 9.

28 (a) A provider may not offer continuing care, enter into or renew continuing
29 care agreements, begin construction for a new facility, begin construction of an
30 expansion to or renovation of an existing facility, or collect deposits for continuing
31 care in this State unless the provider has complied with the applicable provisions of
32 §§ 10 and 11 of this subtitle. Any new capital addition that will result in the
33 construction of a number of independent and assisted living units that is greater than
34 25% of the number of existing units is considered new development and is subject to

1 § 10 of this subtitle. Any new capital addition that does not involve the construction of
2 independent or assisted living units and that does not meet the standard of §
3 7[(g)(2)] (H)(2) of this subtitle is not subject to Department review under §§ 10 and 11
4 of this subtitle. Any capital improvement or replacement that does not meet the
5 standard of § 7(o) of this subtitle, is not subject to Department review under § 10 or §
6 11 of this subtitle.

7 DRAFTER'S NOTE:

8 Error: Incorrect cross-reference in Article 70B, § 9(a).

9 Occurred: As a result of Ch. 526, Acts of 1999.

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

11 4-702.

12 (e) (2) The Secretary may not designate more than [1] ONE arts and
13 entertainment district in a county in any calendar year.

14 DRAFTER'S NOTE:

15 Error: Stylistic error in Article 83A, § 4-702(e)(2).

16 Occurred: Ch. 608, Acts of 2001. Correction by the publisher of the
17 Annotated Code in the 2001 Supplement to the 1998 Replacement Volume
18 is ratified by this Act.

19 5-206.

20 (h) (3) (iii) The interest, income, and profits, if any, earned or realized on
21 [any] the investments or other obligations may also be applied to the payment of the
22 outstanding bonds to be so refunded.

23 DRAFTER'S NOTE:

24 Error: Extraneous language in Article 83A, § 5-206(h)(3)(iii).

25 Occurred: Ch. 338, Acts of 2001. Correction by the publisher of the
26 Annotated Code in the 2001 Supplement to the 1998 Replacement Volume
27 is ratified by this Act.

28 5-1303.

29 (d) The application shall include:

30 (3) Information relating to the financial status of the applicant,
31 including:

32 (iv) Evidence that the applicant and the owners are financially
33 responsible, including:

1 1. A statement or evidence that neither the applicant nor any
2 of its owners currently owes any State or federal taxes that were not paid when [due]
3 DUE; or

4 2. If the applicant or any of its owners currently owe any
5 State or federal taxes that were not paid when due, evidence that the taxpayer:

6 A. Will have paid the taxes in full before the anticipated time
7 of closing for any financial assistance to be provided under this subtitle;

8 B. Is in compliance with a repayment schedule approved by
9 the taxing authority; or

10 C. Is disputing the taxes in good faith and through
11 appropriate channels;

12 DRAFTER'S NOTE:

13 Error: Omitted punctuation in Article 83A, § 5-1303(d)(3)(iv).

14 Occurred: Ch. 664, Acts of 2001. Correction by the publisher of the
15 Annotated Code in the 2001 Supplement to the 1998 Replacement Volume
16 is ratified by this Act.

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

18 2-203.

19 (w) (1) "Person" [has the meaning stated in Article 83A, § 6-402(m) of the
20 Annotated Code of Maryland] MEANS ANY NATURAL PERSON, COMPANY, FIRM,
21 COOPERATIVE, PARTNERSHIP, CORPORATION, ASSOCIATION, CONSORTIUM,
22 UNINCORPORATED ORGANIZATION, TRUST, ESTATE, OR ENTITY ORGANIZED FOR A
23 COMMON BUSINESS PURPOSE for the purpose of providing financial assistance for an
24 energy conservation project or a solar energy project.

25 (2) "PERSON" INCLUDES A FEDERAL, STATE, OR LOCAL GOVERNMENT
26 AND AN AGENCY OR INSTRUMENTALITY OF THOSE GOVERNMENTS FOR THE
27 PURPOSE OF PROVIDING FINANCIAL ASSISTANCE FOR AN ENERGY CONSERVATION
28 PROJECT OR A SOLAR ENERGY PROJECT.

29 DRAFTER'S NOTE:

30 Error: Obsolete cross-reference in Article 83B, § 2-203(w).

31 Occurred: As a result of Ch. 305, Acts of 2000.

Article 88A - Department of Human Resources

2 53A.

3 (f) (1) The local department may work with businesses to train and place
4 former FIP recipients in positions that meet the requirements of paragraph [(f)(2)] (2)
5 of this subsection.

6 DRAFTER'S NOTE:

7 Error: Stylistic error in Article 88A, § 53A(f)(1).

8 Occurred: Ch. 395, Acts of 2001. Correction by the publisher of the
9 Annotated Code in the 2001 Supplement to the 1998 Replacement Volume
10 is ratified by this Act.

11 65A.

12 (c) (1) Notwithstanding subsection (b) of this section, if a custodial parent
13 applies for public assistance and has been convicted of a felony involving the
14 possession, use, or distribution of a controlled dangerous substance since August 22,
15 1996, the custodial parent shall be subject to testing for substance abuse, as provided
16 by the Department, and to treatment, as required under § 50A of this article, [in
17 addition to the provisions of § 50A of this article] for a period of 2 years starting from
18 the date of application, to the extent permissible by federal law.

19 DRAFTER'S NOTE:

20 Error: Extraneous cross-reference in Article 88A, § 65A(c)(1).

21 Occurred: Ch. 671, Acts of 2000.

22 94.

23 (a) (4) On the completion of an individual's participation in the Program, a
24 service provider shall transfer to the individual's individual development account
25 [or], as provided in the individual's contract with the service provider, an amount
26 equal to the matching funds held on behalf of the individual during the individual's
27 participation in the Program, including any interest on the matching funds.

28 DRAFTER'S NOTE:

29 Error: Extraneous conjunction in Article 88A, § 94(a)(4).

30 Occurred: Chs. 372 and 373, Acts of 2001.

31 (c) The Program shall adhere to all applicable federal law concerning THE
32 Temporary Assistance for Needy Families Program and State maintenance of effort
33 requirements.

34 DRAFTER'S NOTE:

1 Error: Omitted word in Article 88A, § 94(c).

2 Occurred: Chs. 372 and 373, Acts of 2001. Correction by the publisher of
3 the Annotated Code in the 2001 Supplement to the 1998 Replacement
4 Volume is ratified by this Act.

5 **Article 88B - Department of State Police**

6 81.

7 (a) (2) (i) The Council shall consist of the following 11 members appointed
8 by the Governor:

9 8. One representative of the Maryland Municipal Police
10 Executives Association, appointed by the Governor; AND

11 DRAFTER'S NOTE:

12 Error: Omitted conjunction in Article 88B, § 81(a)(2)(i)8.

13 Occurred: Ch. 2, Acts of 2000.

14 **Article - Agriculture**

15 8-804.

16 (b) In consultation with the Nutrient Management Advisory Committee, the
17 Department shall by regulation:

18 (1) Prescribe the criteria, form, and content for certified nutrient
19 management plans applicable to licensees and certificate holders;

20 (2) Establish continuing education requirements for certified nutrient
21 management consultants and persons receiving vouchers of completion under §
22 8-803.3 of this subtitle; AND

23 (3) Adopt guidelines and requirements for licensees and certified
24 nutrient management consultants on record keeping and on reporting requirements
25 to the Department on nutrient management plans.

26 DRAFTER'S NOTE:

27 Error: Omitted conjunction in § 8-804(b)(2) of the Agriculture Article.

28 Occurred: Chs. 324 and 325, Acts of 1998.

1 **Article - Business Occupations and Professions**

2 [5-703.

3 (a) The Department of Legislative Services shall study and evaluate the effect
4 of the changes made by Chapter 481 of the Acts of the General Assembly of 1991 on
5 the cosmetology industry, the State Board of Cosmetologists, and the public.

6 (b) The Department of Legislative Services shall report, subject to § 2-1246 of
7 the State Government Article, on the findings made in accordance with subsection (a)
8 of this section to the Senate Economic and Environmental Affairs Committee and the
9 House Environmental Matters Committee by October 1, 1995.]

10 DRAFTER'S NOTE:

11 Error: Obsolete requirements in § 5-703 of the Business Occupations and
12 Professions Article.

13 Occurred: Ch. 22, Acts of 1991. As a result of the completion of the
14 required report "Interim Sunset Review State Boards of Barbers and
15 Cosmetologists: An evaluation report prepared pursuant to Chapters 479
16 and 481, Acts of 1991 and the Maryland Program Evaluation Act, October
17 1995, Department of Fiscal Services".

18 10-406.

19 (a) The Attorney General or Bar Counsel appointed under Maryland Rule
20 [16-704] 16-712 may sue to enjoin an unauthorized person from practicing,
21 attempting to practice, or offering to practice law.

22 DRAFTER'S NOTE:

23 Error: Obsolete cross-reference in § 10-406(a) of the Business
24 Occupations and Professions Article.

25 Occurred: As a result of a rule change ordered by the Court of Appeals.

26 11-506.

27 (e) Within 10 days after the Board receives the amounts paid under
28 [subsections] SUBSECTION (b), (c), or (d) of this section, the Board shall distribute
29 those amounts:

30 (1) equally to those pilots who, at the beginning of the month for which
31 the payment is made, were eligible for payments as inactive or permanently disabled
32 pilots under subsections (b) and (d) of this section; and

33 (2) in the amounts as adjusted in accordance with subsection (c) of this
34 section to inactive pilots with at least 20 years but less than 25 years as a member in
35 good standing of the Association and licensed by the Board to provide pilotage for
36 vessels of unlimited draft.

1 DRAFTER'S NOTE:

2 Error: Incorrect word usage in § 11-506(e) of the Business Occupations
3 and Professions Article.

4 Occurred: Ch. 214, Acts of 1996.

5 16-210.

6 (b) (2) Of the 3 positions on the Real Estate [Appraiser] APPRAISAL
7 Hearing Board:

8 (i) I shall be a representative of a financial institution;

9 (ii) I shall be a consumer member; and

10 (iii) I shall be an appraiser with a level of licensure or certification
11 at least equal to the individual subject to the disciplinary action.

12 DRAFTER'S NOTE:

13 Error: Misnomer in § 16-210(b)(2) of the Business Occupations and
14 Professions Article.

15 Occurred: Ch. 470, Acts of 2001. Correction by the publisher of the
16 Annotated Code in the 2001 Supplement of the Business Occupations and
17 Professions Article is ratified by this Act.

18 16-701.

19 (a) (1) Subject to the hearing provisions of § 16-602 of this title, the
20 Commission may deny a real estate appraisal license to any applicant, deny a
21 certificate to any applicant, reprimand any real estate appraiser licensee, reprimand
22 any certificate holder, or suspend or revoke a real estate appraisal license or
23 certificate if the real estate appraisal applicant, license holder, or certificate holder:

24 (xi) [commits negligence] IS NEGLIGENT or [incompetence]
25 INCOMPETENT in developing, preparing, or communicating an appraisal;

26 DRAFTER'S NOTE:

27 Error: Incorrect word usage in § 16-701(a)(1)(xi) of the Business
28 Occupations and Professions Article.

29 Occurred: Ch. 594, Acts of 1990.

30 (2) (i) Instead of or in addition to reprimanding a licensee or a
31 certificate holder or suspending or revoking a license or a certificate under this
32 subsection, the [Board] COMMISSION may impose a penalty not exceeding \$5,000 for
33 each violation.

1 (ii) To determine the amount of the penalty imposed, the [Board]
2 COMMISSION shall consider:

- 3 1. the seriousness of the violation;
- 4 2. the harm caused by the violation;
- 5 3. the good faith of the licensee; and
- 6 4. any history of previous violations by the licensee.

7 (3) The [Board] COMMISSION shall pay any penalty collected under this
8 subsection into the General Fund of the State.

9 DRAFTER'S NOTE:

10 Error: Misnomer in § 16-701(a)(2)(i) and (ii) and (3) of the Business
11 Occupations and Professions Article.

12 Occurred: Ch. 187, Acts of 2001.

13 16-701.1.

14 Subject to the hearing provisions of § 16-602 of this title, the Commission may
15 deny a home inspector license to any applicant, reprimand any home inspector
16 licensee, or suspend or revoke a home inspector [licensee] LICENSE if the applicant or
17 licensee:

18 (1) fraudulently or deceptively obtains or attempts to obtain a license for
19 the applicant or licensee or for another;

20 (2) fraudulently or deceptively uses a license;

21 (3) engages in conduct that demonstrates bad faith, incompetency,
22 negligence or untrustworthiness, or that constitutes dishonest, fraudulent, or
23 improper dealings;

24 (4) under the laws of the United States or of any state, is convicted of:

25 (i) a felony; or

26 (ii) a misdemeanor that is directly related to the fitness and
27 qualification of the applicant or licensee to provide home inspection services;

28 (5) violates any provision of this title;

29 (6) violates any regulation adopted under this title; OR

30 (7) aids, abets, or assists any person in violating any provision of this
31 title or any regulation adopted under this title.

1 DRAFTER'S NOTE:

2 Error: Incorrect word usage in the introductory language of § 16-701.1 of
3 the Business Occupations and Professions Article; omitted conjunction in §
4 16-701.1(6) of the Business Occupations and Professions Article.

5 Occurred: Ch. 470, Acts of 2001. Correction by the publisher of the
6 Annotated Code in the 2001 Supplement of the Business Occupations and
7 Professions Article, § 16-701.1(6) is ratified by this Act.

8 16-706.

9 (b) (1) The [Board] COMMISSION may impose on a person who violates any
10 provision of this title a penalty not exceeding \$5,000 for each violation.

11 (2) In setting the amount of the penalty, the [Board] COMMISSION shall
12 consider:

13 (i) the seriousness of the violation;

14 (ii) the harm caused by the violation;

15 (iii) the good faith of the violator;

16 (iv) any history of previous violations by the violator; and

17 (v) any other relevant factors.

18 (3) The [Board] COMMISSION shall pay any penalty collected under this
19 subsection into the General Fund of the State.

20 DRAFTER'S NOTE:

21 Error: Misnomer in § 16-706(b)(1), (2), and (3) of the Business
22 Occupations and Professions Article.

23 Occurred: Ch. 187, Acts of 2001.

24 16-707.

25 (b) In setting the amount of a civil penalty, the Commission shall consider:

26 (5) the assets of the violator; AND

27 DRAFTER'S NOTE:

28 Error: Omitted conjunction in § 16-707(b)(5) of the Business
29 Occupations and Professions Article.

30 Occurred: Ch. 470, Acts of 2001. Correction by the publisher of the
31 Annotated Code in the 2001 Supplement of the Business Occupations and

1 Professions Article is ratified by this Act.

2 **Article - Business Regulation**

3 11-1208.

4 (a) Beginning July 1, 2001, notwithstanding § 9-120 of the State Government
5 Article and subject to subsection (b) of this section, lottery funds that would otherwise
6 be distributed to the General Fund under § 9-120(b)(1)(ii) of the State Government
7 Article shall be credited to the Special Fund established under § 11-401 of this
8 [article] TITLE if payments are made to the Racing Facility Redevelopment Bond
9 Fund under § 11-803 of this title, unless otherwise provided in the budget.

10 DRAFTER'S NOTE:

11 Error: Stylistic error in § 11-1208(a) of the Business Regulation Article.

12 Occurred: Ch. 309, Acts of 2000.

13 17-1814.

14 (a) A promoter may not allow an exhibitor to do business at a show unless,
15 before the show, the exhibitor submits to the promoter:

16 (1) a photocopy of the trader's license of the exhibitor; or

17 (2) an exhibitor's affidavit in accordance with [§ 17-1804(d)(2) and] §
18 17-1804(D)(2) OR (3) of this subtitle.

19 DRAFTER'S NOTE:

20 Error: Incorrect cross-reference and incorrect conjunction in §
21 17-1814(a)(2) of the Business Regulation Article.

22 Occurred: Ch. 112, Acts of 2001. Correction by the publisher of the
23 Annotated Code in the 2001 Supplement of the Business Regulation Article
24 is ratified by this Act.

25 **Article - Corporations and Associations**

26 2-408.

27 (c) Any action required or permitted to be taken at a meeting of the board of
28 directors or of a committee of the board may be taken without a meeting, if [an] A
29 unanimous written consent which sets forth the action is:

30 (1) Signed by each member of the board or committee; and

31 (2) Filed with the minutes of proceedings of the board or committee.

32 DRAFTER'S NOTE:

1 Error: Grammatical error in § 2-408(c) of the Corporations and
2 Associations Article.

3 Occurred: Ch. 311, Acts of 1975.

4 11-601.

5 The following securities are exempted from §§ 11-205 and 11-501 of this title:

6 (13) Any option issued by a clearing agency that is both designated by the
7 Commissioner by rule and registered under the Securities Exchange Act of 1934,
8 other than an off-exchange futures contract or substantially similar arrangement, if
9 the security, currency, commodity, or other interest underlying the option:

10 (i) Is registered under § 11-502, § 11-503, or § 11-504 of this title;

11 (ii) Is exempt under § 11-601 or § 11-602 of this subtitle; or

12 (iii) Is not otherwise required to be registered under this title; [and]

13 (14) A security exempt under § 3(a)(12)(A)(v) of the Securities Exchange
14 Act of 1934, if:

15 (i) The security is offered and sold as part of an issue having an
16 aggregate offering price not in excess of an amount that the Commissioner may
17 require, by rule, order, or otherwise, and is sold without payment of any commission
18 or remuneration for soliciting a prospective buyer; or

19 (ii) 10 days prior to the first sale of the security there is filed with
20 the Commissioner notice that the Commissioner may require by rule, order, or
21 otherwise, that no offers or sales are made in this State by persons other than a
22 broker-dealer or agent registered in this State, and no commission or remuneration
23 for soliciting a prospective buyer is paid except to a broker-dealer or agent registered
24 in this State[.]; AND

25 DRAFTER'S NOTE:

26 Error: Misplaced conjunction in § 11-601(13)(iii) and (14)(ii) of the
27 Corporations and Associations Article.

28 Occurred: Ch. 613, Acts of 1997.

29 **Article - Correctional Services**

30 6-203.

31 (c) "Bylaws" [mean] MEANS those bylaws established by the Interstate
32 Commission for its governance, or for directing or controlling the Interstate
33 Commission's actions or conduct.

34 DRAFTER'S NOTE:

1 Error: Grammatical error in § 6-203(c) of the Correctional Services
2 Article.

3 Occurred: Ch. 123, Acts of 2001.

4 **Article - Courts and Judicial Proceedings**

5 1-703.

6 (a) Title 8, Subtitle 1 of the State Personnel and Pensions Article applies to
7 judicial salaries[, except for the provisions of § 8-108(c) of the State Personnel and
8 Pensions Article authorizing pay increases with approval of the Board of Public
9 Works].

10 DRAFTER'S NOTE:

11 Error: Obsolete reference in § 1-703(a) of the Courts and Judicial
12 Proceedings Article.

13 Occurred: As a result of Ch. 179, Acts of 2000.

14 2-309.

15 (h) (1) [(i)] The Sheriff of Carroll County shall receive an annual salary as
16 follows:

17 [1.] (I) \$50,000 beginning December 3, 2002;

18 [2.] (II) \$55,000 beginning December 1, 2003;

19 [3.] (III) \$60,000 beginning December 6, 2004; and

20 [4.] (IV) \$65,000 beginning December 1, 2005 and thereafter.

21 [(ii)] (2) The Sheriff may employ the number of personnel
22 necessary for the proper execution of the duties of office. Personnel shall receive the
23 compensation set by the County Commissioners.

24 [(2)] (3) Personnel employed by the Sheriff shall be placed on a
25 probationary status and may be dismissed by the Sheriff for any reason. After the
26 probationary period, personnel may only be disciplined or dismissed for just cause:

27 (i) In accordance with the Law-Enforcement Officers' Bill of
28 Rights, if the employee's rights are covered under this bill of rights; or

29 (ii) In accordance with the personnel rules and regulations of the
30 Carroll County Sheriff's office, if the employee's rights are not covered under the
31 Law-Enforcement Officers' Bill of Rights.

1 Montgomery County. Assistant sheriffs shall serve at the pleasure of the Sheriff and
2 shall meet the qualifications of the Maryland Police [and Correctional] Training
3 Commission standards for law enforcement officers.

4 DRAFTER'S NOTE:

5 Error: Misnomer in § 2-309(q)(3)(ii) of the Courts and Judicial
6 Proceedings Article.

7 Occurred: Ch. 57, Acts of 1988.

8 3-801.

9 (i) ["Court", unless otherwise indicated, means:

10 (1) A] "COURT" MEANS THE circuit court for a county sitting as the
11 juvenile [court; or

12 (2) In Montgomery County, the District Court sitting as the juvenile]
13 court.

14 DRAFTER'S NOTE:

15 Error: Obsolete provision in § 3-801(i) of the Courts and Judicial
16 Proceedings Article.

17 Occurred: As a result of Ch. 414, Acts of 2001. Correction by the
18 publisher of the Annotated Code in the 2001 Supplement of the Courts and
19 Judicial Proceedings Article is ratified by this Act.

20 3-806.

21 (a) (1) In every county, one or more judges shall be assigned specially to
22 handle cases arising under this subtitle and Subtitle 8A of this title.

23 (2) [Except as provided in paragraph (3) of this subsection, the] THE
24 assignment shall be made by the circuit administrative judge, subject to the approval
25 of the Chief Judge of the Court of Appeals.

26 (3) [In Montgomery County, the assignment shall be made by the Chief
27 Judge of the District Court, subject to the approval of the Chief Judge of the Court of
28 Appeals.

29 (4)] The judges so assigned are not subject to an automatic regular
30 rotation.

31 DRAFTER'S NOTE:

32 Error: Obsolete provision in § 3-806(a) of the Courts and Judicial
33 Proceedings Article.

1 Occurred: As a result of Ch. 414, Acts of 2001. Correction by the
2 publisher of the Annotated Code in the 2001 Supplement of the Courts and
3 Judicial Proceedings Article is ratified by this Act.

4 3-808.

5 [(a)] The court shall try cases under this subtitle without a jury.

6 [(b)] While sitting as the juvenile court, the District Court in Montgomery
7 County shall follow the applicable rules of a circuit court sitting as the juvenile court.

8 (c) For purposes of Title 12 of this article, an action, decision, order, or
9 judgment of the District Court in Montgomery County sitting as a juvenile court shall
10 be treated in the same manner as if it had been made, done, or entered by a circuit
11 court.]

12 DRAFTER'S NOTE:

13 Error: Obsolete provisions in § 3-808 of the Courts and Judicial
14 Proceedings Article.

15 Occurred: As a result of Ch. 414, Acts of 2001. Correction by the
16 publisher of the Annotated Code in the 2001 Supplement of the Courts and
17 Judicial Proceedings Article is ratified by this Act.

18 3-815.

19 (c) (2) (ii) Unless extended on good cause shown, a shelter care hearing
20 shall be held not later than the next day on which the circuit court [sits or, in
21 Montgomery County, the next day on which the District Court] sits.

22 DRAFTER'S NOTE:

23 Error: Obsolete provision in § 3-815(c)(2)(ii) of the Courts and Judicial
24 Proceedings Article.

25 Occurred: As a result of Ch. 414, Acts of 2001. Correction by the
26 publisher of the Annotated Code in the 2001 Supplement of the Courts and
27 Judicial Proceedings Article is ratified by this Act.

28 3-824.

29 (c) The court shall apply the factors specified in § 13-711(b) of the Estates and
30 Trusts Article, to the extent relevant, when deciding whether to withhold or withdraw
31 a life-sustaining procedure, as defined in § 13-711(c) of the Estates and [Trust]
32 TRUSTS Article.

33 DRAFTER'S NOTE:

34 Error: Misnomer in § 3-824(c) of the Courts and Judicial Proceedings
35 Article.

1 Occurred: Ch. 415, Acts of 2001.

2 3-8A-27.

3 (b) (3) (ii) The court record or fingerprints of a child described under §§
4 10-215(a)(21) AND (22) and 10-216 of the Criminal Procedure Article may not be
5 disclosed to:

6 1. A federal criminal justice agency or information center; or

7 2. Any law enforcement agency other than a law enforcement
8 agency of the State or a political subdivision of the State.

9 DRAFTER'S NOTE:

10 Error: Incomplete cross-reference in § 3-8A-27(b)(3)(ii) of the Courts
11 and Judicial Proceedings Article.

12 Occurred: Ch. 35, Acts of 2001. Correction by the publisher of the
13 Annotated Code in the 2001 Supplement of the Courts and Judicial
14 Proceedings Article is ratified by this Act.

15 4-301.

16 (b) Except as provided in § 4-302 of this subtitle, the District Court also has
17 exclusive original jurisdiction in a criminal case in which a person at least 18 years
18 old or a corporation is charged with:

19 (13) Violation of Article 27, § 388A of the Code; [or]

20 (14) Violation of Title 11, Subtitle 5 of the Financial Institutions Article;

21 (15) VIOLATION OF ARTICLE 27, § 59 OF THE CODE, WHETHER A FELONY
22 OR MISDEMEANOR; OR

23 (16) VIOLATION OF ARTICLE 27, § 194A OF THE CODE, WHETHER A FELONY
24 OR MISDEMEANOR.

25 DRAFTER'S NOTE:

26 Error: Incorrect numbering in § 4-301(b)(13), (14), (15), and (16) and
27 omitted article in (b)(15) of the Courts and Judicial Proceedings Article.

28 Occurred: As a result of the merger of Chs. 592, 593, and 596, Acts of
29 2001. Correction of the numbering by the publisher of the Annotated Code
30 in the 2001 Supplement of the Courts and Judicial Proceedings Article is
31 ratified by this Act.

1 4-302.

2 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13),
3 (14), [and] (15), AND (16) of this subtitle, the District Court does not have jurisdiction
4 to try a criminal case charging the commission of a felony.

5 (d) (1) Except as provided in paragraph (2) of this subsection, the
6 jurisdiction of the District Court is concurrent with that of the circuit court in a
7 criminal case:

8 (ii) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),
9 (10), (11), (12), (13), (14), [and] (15), AND (16) of this subtitle.

10 DRAFTER'S NOTE:

11 Error: Incorrect internal reference in § 4-302(a) and (d)(1)(ii) of the
12 Courts and Judicial Proceedings Article.

13 Occurred: As a result of the merger of Chs. 592, 593, and 596, Acts of
14 2001. Correction by the publisher of the Annotated Code in the 2001
15 Supplement of the Courts and Judicial Proceedings Article is ratified by
16 this Act.

17 5-805.

18 (a) (5) "Private provider" means an organization that:

19 (i) Is exempt from taxation under § 501(c) of the Internal Revenue
20 Code; and

21 (ii) 1. Is approved by a community service program
22 administrator for participation in a community service program as described in
23 [Article 27, § 726A of the Code] TITLE 8, SUBTITLE 7 OF THE CORRECTIONAL
24 SERVICES ARTICLE;

25 2. Provides work projects for juveniles assigned or ordered to
26 perform community service under § 3-8A-10 or § 3-8A-19 of this article; or

27 3. Is approved by the Department of Human Resources as a
28 community service work activity provider under Article 88A of the Code.

29 DRAFTER'S NOTE:

30 Error: Incorrect cross-reference in § 5-805(a)(5)(ii) of the Courts and
31 Judicial Proceedings Article.

32 Occurred: As a result of Ch. 54, Acts of 1999.

1 8-102.

2 (b) Every citizen of this State [who maintains his name on the roll of voters
3 registered for State elections] has:

4 (1) The opportunity to serve on grand and petit juries; and

5 (2) The obligation to serve when summoned as a juror.

6 DRAFTER'S NOTE:

7 Error: Obsolete language that fails to note other sources of prospective
8 jurors, including licensed drivers and holders of identification cards, in §
9 8-102(b) of the Courts and Judicial Proceedings Article. Correction
10 suggested by Assistant Attorney General Julia M. Andrews.

11 Occurred: As a result of Chs. 434 and 486, Acts of 2000.

12 11-502.

13 (a) A sheriff shall give notice of the time, place, and [term] TERMS of the sale
14 of any property under execution before the property can be sold.

15 DRAFTER'S NOTE:

16 Error: Incorrect word usage in § 11-502(a) of the Courts and Judicial
17 Proceedings Article.

18 Occurred: Ch. 2, Acts of the First Special Session of 1973.

19 12-303.

20 A party may appeal from any of the following interlocutory orders entered by a
21 circuit court in a civil case:

22 (1) An order entered with regard to the possession of property with
23 which the action is concerned or with reference to the receipt or charging of the
24 income, interest, or dividends therefrom, or the refusal to modify, dissolve, or
25 discharge such an [order.] ORDER;

26 (2) An order granting or denying a motion to quash a writ of
27 [attachment.] ATTACHMENT; AND

28 (3) An order:

29 (i) Granting or dissolving an injunction, but if the appeal is from
30 an order granting an injunction, only if the appellant has first filed his answer in the
31 [cause.] CAUSE;

32 (ii) Refusing to dissolve an injunction, but only if the appellant has
33 first filed his answer in the [cause.] CAUSE;

1 (iii) Refusing to grant an injunction; and the right of appeal is not
 2 prejudiced by the filing of an answer to the bill of complaint or petition for an
 3 injunction on behalf of any opposing party, nor by the taking of depositions in
 4 reference to the allegations of the bill of complaint to be read on the hearing of the
 5 application for an [injunction.] INJUNCTION;

6 (iv) Appointing a receiver but only if the appellant has first filed his
 7 answer in the [cause.] CAUSE;

8 (v) For the sale, conveyance, or delivery of real or personal property
 9 or the payment of money, or the refusal to rescind or discharge such an order, unless
 10 the delivery or payment is directed to be made to a receiver appointed by the [court.]
 11 COURT;

12 (vi) Determining a question of right between the parties and
 13 directing an account to be stated on the principle of such [determination.]
 14 DETERMINATION;

15 (vii) Requiring bond from a person to whom the distribution or
 16 delivery of property is directed, or withholding distribution or delivery and ordering
 17 the retention or accumulation of property by the fiduciary or its transfer to a trustee
 18 or receiver, or deferring the passage of the court's decree in an action under Title 10,
 19 Chapter 600 of the Maryland [Rules.] RULES;

20 (viii) Deciding any question in an insolvency proceeding brought
 21 under Title 15, Subtitle 1 of the Commercial Law [Article.] ARTICLE;

22 (ix) Granting a petition to stay arbitration pursuant to § 3-208 of
 23 this [article.] ARTICLE;

24 (x) Depriving a parent, grandparent, or natural guardian of the
 25 care and custody of his child, or changing the terms of such an [order.] ORDER; AND

26 (xi) Denying immunity asserted under § 5-525 or § 5-526 of this
 27 article.

28 DRAFTER'S NOTE:

29 Error: Incorrect punctuation and omitted conjunctions in § 12-303 of the
 30 Courts and Judicial Proceedings Article.

31 Occurred: Ch. 2, Acts of the First Special Session of 1973.

32 **Article - Criminal Procedure**

33 3-123.

34 (a) (2) "Defendant" means:

35 (i) a committed individual;

1 (ii) an individual found [competent] INCOMPETENT to stand trial;
2 or

3 (iii) an individual charged with a crime and the issue of whether the
4 individual is incompetent to stand trial has been raised or where a plea of not
5 criminally responsible has been entered.

6 DRAFTER'S NOTE:

7 Error: Incorrect word usage in § 3-123(a)(2)(ii) of the Criminal
8 Procedure Article.

9 Occurred: Ch. 485, Acts of 2001.

10 5-101.

11 (c) A defendant may not be released on personal recognizance if the defendant
12 is charged with:

13 (1) a crime listed in § 5-202(d) of this title after having been convicted of
14 a crime listed in § 5-202(d) of this title; or

15 (2) a crime punishable by death or life imprisonment without parole.

16 DRAFTER'S NOTE:

17 Error: Erroneous internal references in § 5-101(c)(1) of the Criminal
18 Procedure Article.

19 Occurred: Ch. 10, Acts of 2001. Correction by the publisher of the
20 Annotated Code in the 2001 Volume of the Criminal Procedure Article is
21 validated by this Act.

22 5-209.

23 (a) In this section, "property bondsman" means a person other than a
24 defendant who executes a bail bond secured by real estate in the State.

25 DRAFTER'S NOTE:

26 Error: Extraneous paragraph designation in § 5-209(a) of the Criminal
27 Procedure Article.

28 Occurred: Ch. 259, Acts of 2001. Correction by the publisher of the
29 Annotated Code in the 2001 Volume of the Criminal Procedure Article is
30 validated by this Act.

31 (e) (2) A person described under paragraph (1) of this subsection who
32 willfully provides false documentation is guilty of a misdemeanor and on conviction is
33 subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

1 DRAFTER'S NOTE:

2 Error: Misspelling in § 5-209(e)(2) of the Criminal Procedure Article.

3 Occurred: Ch. 259, Acts of 2001. Correction by the publisher of the
4 Annotated Code in the 2001 Volume of the Criminal Procedure Article is
5 validated by this Act.

6 6-218.

7 (b) (2) If a defendant is in custody because OF a charge that results in a
8 dismissal or acquittal, the time that would have been credited if a sentence had been
9 imposed shall be credited against any sentence that is based on a charge for which a
10 warrant or commitment was filed during that custody.

11 DRAFTER'S NOTE:

12 Error: Omitted word in § 6-218(b)(2) of the Criminal Procedure Article.

13 Occurred: Ch. 10, Acts of 2001.

14 Subtitle 1. In General.

15 8-101.

16 (a) In this subtitle the following terms have the meanings indicated.

17 (b) "Review panel" means a group of three or more circuit court judges who
18 conduct a review proceeding in connection with an application for a review of a
19 sentence under this subtitle.

20 (c) "Sentencing court" means the court in which the sentencing judge imposed
21 the sentence or required that a sentence that was wholly or partly suspended be
22 served.

23 (d) "Sentencing judge" means the judge who imposed a sentence or who
24 required that a sentence that was wholly or partly suspended be served.

25 DRAFTER'S NOTE:

26 Error: Missing subtitle heading preceding § 8-101 and erroneous
27 internal reference in § 8-101 of the Criminal Procedure Article.

28 Occurred: As a result of Ch. 418, Acts of 2001. Correction by the
29 publisher of the Annotated Code in the 2001 Volume of the Criminal
30 Procedure Article is validated by this Act.

1 8-102.

2 (c) For purposes of this subtitle, a sentence that exceeds 2 years is a sentence
3 in which the total period of the sentence and any unserved time of a prior or
4 simultaneous sentence exceeds 2 years, including:

5 (1) a sentence imposed by a circuit court;

6 (2) a requirement by a circuit court that all or part of a suspended
7 sentence be served; and

8 (3) a prior or simultaneous sentence, suspended or not suspended, that
9 has been imposed by a court or other authority of the State or of another jurisdiction.

10 DRAFTER'S NOTE:

11 Error: Erroneous internal reference in the introductory language of §
12 8-102(c) of the Criminal Procedure Article.

13 Occurred: As a result of Ch. 418, Acts of 2001. Correction by the
14 publisher of the Annotated Code in the 2001 Volume of the Criminal
15 Procedure Article is validated by this Act.

16 8-103.

17 (a) A person entitled to file an application for a sentence review under this
18 subtitle has the right to be represented by counsel:

19 (1) to determine whether to seek a sentence review; and

20 (2) to file an application for a sentence review.

21 (b) The counsel representing a person for a sentence review may be:

22 (1) retained by a person who is entitled to file an application for review
23 under this subtitle;

24 (2) appointed by the sentencing judge; or

25 (3) provided under Article 27A of the Code.

26 DRAFTER'S NOTE:

27 Error: Erroneous internal references in the introductory language of §
28 8-103(a) and § 8-103(b)(1) of the Criminal Procedure Article.

29 Occurred: As a result of Ch. 418, Acts of 2001. Correction by the
30 publisher of the Annotated Code in the 2001 Volume of the Criminal
31 Procedure Article is validated by this Act.

1 8-104.

2 (a) The filing of an application for sentence review under this subtitle does
3 not:

4 (1) stay the execution of the sentence;

5 (2) affect the time allowed to file an appeal or a motion for a new trial; or

6 (3) affect the power of the sentencing judge to change the sentence to the
7 extent allowed by the Maryland Rules.

8 (b) After an application is filed, the sentencing judge may grant a stay of the
9 execution of the sentence pending a decision under this subtitle.

10 DRAFTER'S NOTE:

11 Error: Erroneous internal references in the introductory language of §
12 8-104(a) and § 8-104(b) of the Criminal Procedure Article.

13 Occurred: As a result of Ch. 418, Acts of 2001. Correction by the
14 publisher of the Annotated Code in the 2001 Volume of the Criminal
15 Procedure Article is validated by this Act.

16 8-105.

17 (c) (3) A review panel:

18 (i) with or without a hearing, may decide that the sentence under
19 review should remain unchanged; or

20 (ii) after a hearing, may order a different sentence to be imposed or
21 served, including:

22 1. an increased sentence;

23 2. subject to § 8-107(c) of this subtitle, a decreased sentence;

24 3. a suspended sentence to be served wholly or partly; or

25 4. a sentence to be suspended with or without probation.

26 DRAFTER'S NOTE:

27 Error: Erroneous internal reference in § 8-105(c)(3)(ii)2 of the Criminal
28 Procedure Article.

29 Occurred: As a result of Ch. 418, Acts of 2001. Correction by the
30 publisher of the Annotated Code in the 2001 Volume of the Criminal
31 Procedure Article is validated by this Act.

1 8-109.

2 The Court of Appeals shall adopt rules to carry out this subtitle.

3 DRAFTER'S NOTE:

4 Error: Erroneous internal reference in § 8-109 of the Criminal
5 Procedure Article.

6 Occurred: As a result of Ch. 418, Acts of 2001. Correction by the
7 publisher of the Annotated Code in the 2001 Volume of the Criminal
8 Procedure Article is validated by this Act.

9 10-105.

10 (c) (2) A petition for expungement based on a probation before judgment
11 may not be filed [until either] EARLIER THAN THE LATER OF:

12 (i) the DATE THE petitioner [has been] WAS discharged from
13 probation; or

14 (ii) 3 years [have passed since] AFTER the probation was granted.

15 DRAFTER'S NOTE:

16 Error: Erroneous revision of former, unrevised language in §
17 10-105(c)(2) of the Criminal Procedure Article.

18 Occurred: Ch. 10, Acts of 2001.

19 11-101.

20 (c) "Delinquent act" has the meaning stated in § 3-8A-01 of the Courts
21 Article.

22 DRAFTER'S NOTE:

23 Error: Erroneous cross-reference in § 11-101(c) of the Criminal
24 Procedure Article.

25 Occurred: As a result of Ch. 415, Acts of 2001. Correction by the
26 publisher of the Annotated Code in the 2001 Volume of the Criminal
27 Procedure Article is validated by this Act.

28 11-203.

29 As provided under § 5-201 of this article or § 3-8A-15 of the Courts Article, the
30 court, a juvenile intake officer, or a District Court commissioner shall consider:

31 (1) the safety of the alleged victim in setting conditions of:

- 1 (i) the pretrial release of a defendant; or
- 2 (ii) the prehearing release of a child respondent who is alleged to
3 have committed a delinquent act; and
- 4 (2) a condition of no contact with the alleged victim or the alleged
5 victim's premises or place of employment.

6 DRAFTER'S NOTE:

7 Error: Erroneous cross-reference in the introductory language of §
8 11-203 of the Criminal Procedure Article.

9 Occurred: As a result of Ch. 415, Acts of 2001. Correction by the
10 publisher of the Annotated Code in the 2001 Volume of the Criminal
11 Procedure Article is validated by this Act.

12 11-302.

13 (g) This section does not limit a victim's or representative's right to attend a
14 trial or juvenile delinquency adjudicatory hearing as provided in § 3-8A-13 of the
15 Courts Article or § 11-102 of this title.

16 DRAFTER'S NOTE:

17 Error: Erroneous cross-reference in § 11-302(g) of the Criminal
18 Procedure Article.

19 Occurred: Ch. 10, Acts of 2001. Correction by the publisher of the
20 Annotated Code in the 2001 Volume of the Criminal Procedure Article is
21 validated by this Act.

22 11-601.

23 (h) "Liable parent" means a parent:

- 24 (1) whose child has committed a crime or delinquent act; and
- 25 (2) who has been ordered to pay restitution under § 11-604 of this
26 subtitle.

27 DRAFTER'S NOTE:

28 Error: Erroneous internal reference in § 11-601(h)(2) of the Criminal
29 Procedure Article.

30 Occurred: Ch. 10, Acts of 2001. Correction by the publisher of the
31 Annotated Code in the 2001 Volume of the Criminal Procedure Article is
32 validated by this Act.

1 11-617.

2 (b) Subject to federal law, the order of priority of execution of an earnings
3 withholding order is:

4 (1) first, an earnings withholding order issued under § 10-128 of the
5 Family Law Article;

6 (2) second, an earnings withholding order issued under this section; and

7 (3) lastly, any other lien or legal process.

8 DRAFTER'S NOTE:

9 Error: Erroneous cross-reference in § 11-617(b)(1) of the Criminal
10 Procedure Article.

11 Occurred: As a result of Ch. 299, Acts of 2001. Correction by the
12 publisher of the Annotated Code in the 2001 Volume of the Criminal
13 Procedure Article is validated by this Act.

14 (d) (1) Except as otherwise provided in this section, an earnings withholding
15 order issued under this section shall:

16 (i) comply with the requirements of §§ 10-128(a) and 10-129(a)
17 through (c) of the Family Law Article; and

18 (ii) set forth the obligations and responsibilities of an employer and
19 a restitution obligor under an earnings withholding order and the consequences of
20 violating this section.

21 DRAFTER'S NOTE:

22 Error: Erroneous cross-references in § 11-617(d)(1)(i) of the Criminal
23 Procedure Article.

24 Occurred: As a result of Ch. 299, Acts of 2001. Correction by the
25 publisher of the Annotated Code in the 2001 Volume of the Criminal
26 Procedure Article is validated by this Act.

27 12-303.

28 Except as provided in § 12-302 of this subtitle and § 4-401(9) of the Courts
29 Article, the appropriate forfeiting authority shall file proceedings under this title in
30 the circuit court.

31 DRAFTER'S NOTE:

32 Error: Erroneous internal reference in § 12-303 of the Criminal
33 Procedure Article.

1 Occurred: Ch. 10, Acts of 2001. Correction by the publisher of the
2 Annotated Code in the 2001 Volume of the Criminal Procedure Article is
3 validated by this Act.

4 **Article - Education**

5 3-108.1.

6 (j) (2) The terms of the voting members are staggered as required by the
7 terms provided for members of the Board on [the effective date of this Act] JUNE 1,
8 1997.

9 DRAFTER'S NOTE:

10 Error: Erroneous language in § 3-108.1(j)(2) of the Education Article.

11 Occurred: Ch. 105, Acts of 1997.

12 3-109.

13 (d) If the boundary line of a [legislative] COUNCILMANIC district is changed,
14 the term of an incumbent member of the County Board who no longer resides in the
15 [legislative] COUNCILMANIC district because of the change is not affected during this
16 term.

17 DRAFTER'S NOTE:

18 Error: Obsolete reference in § 3-109(d) of the Education Article.

19 Occurred: As a result of Ch. 708, Acts of 1994.

20 16-414.1.

21 (a) (16) "Supervisory employee" means a public employee who has the
22 authority to act on behalf of the public employer to:

23 (i) Hire, transfer, suspend, lay off, recall, promote, discharge,
24 assign, reward, or discipline other employees;

25 (ii) Direct employees responsibly;

26 (iii) Adjust employee grievances; or

27 (iv) Recommend effectively one of the actions set forth in items (i)
28 through (iii) of this paragraph, if:

29 1. The exercise of this authority is not merely of a routine or
30 clerical nature; and

31 2. Requires the exercise of independent judgment.

1 DRAFTER'S NOTE:

2 Error: Stylistic errors in § 16-414.1(a)(16)(iv) of the Education Article.

3 Occurred: Ch. 539, Acts of 2001. Correction by the publisher of the
4 Annotated Code in the 2001 Supplement of the Education Article and
5 printed in the 2001 Replacement Volume is validated by this Act.

6 18-601.

7 (d) A person may apply to the Administration for a scholarship under this
8 section if the person:

9 (3) (I) Is at least 16 years old and a son or daughter of a member of the
10 armed forces who was a resident of this State at the time the parent:

11 [(i)] 1. Died or was totally and permanently disabled as a result
12 of military service after December 7, 1941; or

13 [(ii)] 2. Was declared to be a prisoner of war or missing in action,
14 if that occurred on or after January 1, 1960 as a result of the Vietnam conflict, and if
15 the child was born prior to or while the parent was a prisoner of war or missing in
16 action;

17 [(4)] (II) Was a prisoner of war on or after January 1, 1960 as a result of
18 the Vietnam conflict and was a resident of this State at the time the person was
19 declared to be a prisoner of war or missing in action;

20 [(5) (i)] (III) 1. Is at least 16 years old and a son or daughter of any
21 State or local public safety employee killed in the line of duty; or

22 [(ii)] 2. Is the surviving spouse of any State or local public safety
23 employee killed in the line of duty;

24 [(6)] (IV) Is a disabled public safety employee; or

25 [(7)] (V) Is a veteran, as defined under § 9-901 of the State Government
26 Article, who:

27 [(i)] 1. Suffers a service-related disability of 50% or greater; and

28 [(ii)] 2. Has exhausted or is no longer eligible for federal veterans'
29 educational benefits.

30 (f) (2) The Administration may not award more than 15 scholarships
31 annually under subsection [(d)(7)] (D)(3)(V) of this section.

32 DRAFTER'S NOTE:

33 Error: Erroneous tabulation in § 18-601(d)(3) through (7), inclusive, of
34 the Education Article; erroneous internal reference in § 18-601(f)(2) of the

1 Education Article.

2 Occurred: Ch. 298, Acts of 2001; Ch. 581, Acts of 2000.

3 21-501.

4 (d) The tax credit authorized under this section shall be allowed only for
5 taxable years beginning on or before December 31, [2000] 2003.

6 DRAFTER'S NOTE:

7 Error: Obsolete language in § 21-501(d) of the Education Article.

8 Occurred: As a result of Ch. 611, Acts of 2001.

9 26-102.

10 (b) The governing board, president, superintendent, principal, or school
11 resource officer of any public institution of elementary, secondary, or higher
12 education, or a person designated in writing by the board or any of these persons, may
13 deny access to the buildings or grounds of the institution to any other person who:

14 (1) Is not a bona fide, currently registered student, or staff or faculty
15 member at the institution, and who does not have lawful business to pursue at the
16 institution;

17 DRAFTER'S NOTE:

18 Error: Extraneous language in § 26-102(b)(1) of the Education Article.

19 Occurred: Ch. 442, Acts of 1983. Correction by the publisher of the
20 Annotated Code in the 2001 Replacement Volume of the Education Article
21 is validated by this Act.

22 26-104.

23 (a) This section applies only in [Baltimore County. This section applies only
24 in] BALTIMORE CITY, AND BALTIMORE, Caroline, Dorchester, Somerset, Talbot,
25 Wicomico, and Worcester counties. [This section applies only in Baltimore City.]

26 DRAFTER'S NOTE:

27 Error: Stylistic errors in § 26-104(a) of the Education Article.

28 Occurred: Ch. 637, Acts of 2001.

Article - Environment

1
2 9-505.

3 (a) In addition to the other requirements of this subtitle, each county plan
4 shall:

5 (19) For a county with a population less than 150,000 according to the
6 latest Department of Planning projections, include a recycling plan by July 1, 1990
7 that:

8 (iii) [Require] REQUIRES full implementation of the recycling plan
9 by January 1, 1994.

10 DRAFTER'S NOTE:

11 Error: Grammatical error in § 9-505(a)(19)(iii) of the Environment
12 Article.

13 Occurred: Ch. 536, Acts of 1988.

14 9-1606.

15 (f) In the event of a default on a loan obligation by a borrower other than a
16 local government, the Administration may place a lien against property of the
17 borrower securing the loan which, subject to the tax liens of the federal, State, and
18 local governments, shall have the same priority and status as a lien of the State for
19 unpaid taxes under §§ 14-804 and 14-805 of the Tax - Property Article. The
20 Administration may exercise the same rights and powers in enforcing such lien and
21 collecting funds for the payment of amounts in default under the loan obligation as
22 the State may exercise in collecting unpaid taxes under TITLE 14, Subtitle 8 of the Tax
23 - Property Article.

24 DRAFTER'S NOTE:

25 Error: Incomplete cross-reference in § 9-1606(f) of the Environment
26 Article.

27 Occurred: Ch. 673, Acts of 1997.

Article - Estates and Trusts

28
29 2-108.

30 (v) (1) As compensation each of the judges of the Court for Washington
31 County shall receive an annual compensation of not more than \$6,000 per year.

32 (2) (i) Each judge shall also receive an expense allowance, not to
33 exceed \$1,000 per year, to be paid by the Board of County Commissioners upon
34 presentation of an itemized voucher of legitimate expenses.

- 1 (ii) For purposes of subparagraph (i) of this paragraph, legitimate
 2 expenses include:
- 3 1. Registration fees for business related seminars and
 4 conferences;
- 5 2. \$10 per year for judge's association membership;
- 6 3. Parking expenses incurred while on business related trips
 7 out of the county, upon presentation of a receipt from the parking facility indicating
 8 the amount;
- 9 4. A gasoline expense, equal to the amount per mile paid
 10 other Washington County employees while traveling to business related activities
 11 held out of the county;
- 12 5. A meal expense, not to exceed \$18 per day, incurred while
 13 on business related trips out of the county; AND
- 14 6. A room and board expense, not to exceed \$50 per day,
 15 incurred while on business related activities held out of the county.

16 DRAFTER'S NOTE:

17 Error: Omitted conjunction in § 2-108(v)(2)(ii)5 of the Estates and Trusts
 18 Article.

19 Occurred: Ch. 64, Acts of 1985.

20

Article - Family Law

21 4-509.

22 (b) An officer shall arrest with or without a warrant and take into custody a
 23 person [whom] WHO the officer has probable cause to believe is in violation of an ex
 24 parte order or protective order in effect at the time of the violation.

25 DRAFTER'S NOTE:

26 Error: Grammatical error in § 4-509(b) of the Family Law Article.

27 Occurred: Ch. 65, Acts of 1992.

28 5-501.

29 (e) "Family day care" means the care given to a child under the age of 13 years
 30 or to any developmentally disabled person under the age of 21 years [of age], in place
 31 of parental care for less than 24 hours a day, in a residence other than the child's
 32 residence, for which the day care provider is paid.

33 DRAFTER'S NOTE:

1 Error: Extraneous language in § 5-501(e) of the Family Law Article.

2 Occurred: Ch. 514, Acts of 1989.

3 9-204.

4 (a) A court of this State which is competent to decide child custody matters
5 has jurisdiction to make a child custody determination by initial decree or
6 modification decree if:

7 (4) (i) it appears that no other state would have jurisdiction under
8 prerequisites substantially in accordance with [items] ITEM (1), (2), or (3) of this
9 subsection or another state has declined to exercise jurisdiction on the ground that
10 this State is the more appropriate forum to determine the custody of the child, and (ii)
11 it is in the best interest of the child that this court assume jurisdiction.

12 DRAFTER'S NOTE:

13 Error: Grammatical error in § 9-204(a)(4) of the Family Law Article.

14 Occurred: Ch. 296, Acts of 1984.

15 10-119.1.

16 (c) The purpose of the Pilot Program is to authorize the Secretary of the
17 Department to enter into contracts with private companies to privatize all aspects of
18 child support enforcement functions of the Department, including:

19 (6) except for legal representation in accordance with § 10-115 of [the
20 Family Law Article] THIS SUBTITLE and as otherwise provided by law, enforcing
21 support obligations.

22 DRAFTER'S NOTE:

23 Error: Stylistic error in § 10-119.1(c)(6) of the Family Law Article.

24 Occurred: Ch. 23, Acts of 2000.

25 **Article - Financial Institutions**

26 6-609.

27 (b) (2) A credit union may make a purchase under paragraph (1) of this
28 subsection if:

29 (iv) For purchases of real estate loans under [subparagraph]
30 PARAGRAPH (1)(iv) of this subsection, the pool of loans to be sold or pledged on the
31 secondary mortgage market:

1

Article - Health - General

2 [5.602.1.] 5-602.1.

3 (a) In this section, "mental health services" has the meaning stated in §
4 4-301(i)(1) of this article.

5 (b) An individual who is competent may make an advance directive to outline
6 the mental health services which may be provided to the individual if the individual
7 becomes incompetent and has a need for mental health services either during, or as a
8 result of, the incompetency.

9 (c) (1) An individual making an advance directive for mental health services
10 shall follow the procedures for making an advance directive provided under § 5-602 of
11 this subtitle.

12 (2) The procedures provided under § 5-604 of this subtitle for the
13 revocation of an advance directive shall apply to the revocation of an advance
14 directive for mental health services.

15 (d) An advance directive for mental health services may include:

16 (1) The designation of an agent to make mental health services decisions
17 for the declarant;

18 (2) The identification of mental health professionals, programs, and
19 facilities that the declarant would prefer to provide mental health services;

20 (3) A statement of medications preferred by the declarant for psychiatric
21 treatment; and

22 (4) Instruction regarding the notification of third parties and the release
23 of information to third parties about mental health services provided to the declarant.

24 DRAFTER'S NOTE:

25 Error: Typographical error in § 5-602.1 of the Health - General Article.

26 Occurred: Ch. 267, Acts of 2001. Correction by the publisher of the
27 Annotated Code in the 2001 Supplement of the Health - General Article is
28 ratified by this Act.

29 8-401.

30 (a) (1) The Administration shall:

31 [(1)] (I) Promote, develop, establish, conduct, certify, and monitor
32 programs for the prevention, treatment, and rehabilitation related to the misuse of
33 alcohol and drugs; AND

1 [(2)] (II) Promote and conduct training and research related to the
2 misuse of alcohol and [drugs; and] DRUGS.

3 [(3)] (2) (i) [1.] In cooperation with the Motor Vehicle
4 Administration, courts, police, and other agencies, the Administration shall approve
5 appropriate programs of alcohol and drug abuse education or treatment for
6 individuals who are convicted under § 21-902 of the Transportation Article.

7 [2.] (II) The programs under this [subparagraph]
8 PARAGRAPH shall be coordinated with and integrated into broad planning for
9 comprehensive community health and welfare services.

10 [(ii)] (3) The Administration shall:

11 [1.] (I) Review and, in accordance with regulations that the
12 Administration shall adopt, approve or disapprove each program that a public or
13 private agency wants to offer under § 6-219(c) or § 6-220(c) of the Criminal Procedure
14 Article;

15 [2.] (II) Promptly give the Administrative Office of the
16 Courts notice of each program approved under this subparagraph;

17 [3.] (III) Monitor and biennially review each program
18 approved under this subparagraph;

19 [4.] (IV) Investigate each complaint made in connection with
20 a program; and

21 [5.] (V) Promptly give the Administrative Office of the
22 Courts notice if the Department withdraws its approval of any program.

23 DRAFTER'S NOTE:

24 Error: Erroneous tabulation and incorrect cross-reference in § 8-401(a)
25 of the Health - General Article.

26 Occurred: Ch. 758, Acts of 1988.

27 15-103.3.

28 (d) (2) The Secretary shall adopt regulations to carry out the provisions of
29 this section, including the distribution of [monies] MONEYS from the Fund to
30 managed care organizations.

31 DRAFTER'S NOTE:

32 Error: Stylistic error in § 15-103.3(d)(2) of the Health - General Article.

33 Occurred: Ch. 77, Acts of 2001. Correction by the publisher of the
34 Annotated Code in the 2001 Supplement of the Health - General Article is
35 ratified by this Act.

1 15-133.

2 (c) On or before July 1, 2001, the Department shall notify the Health Care
3 Financing Administration of the United States Department of Health and Human
4 Services of Maryland's intent to expand the current Medicaid home- and
5 community-based waiver for adults with physical disabilities, under § 1915(c) of the
6 federal Social Security Act to redirect funds to develop appropriate funding for this
7 [act] PROGRAM.

8 DRAFTER'S NOTE:

9 Error: Incorrect word usage in § 15-133(c) of the Health - General
10 Article.

11 Occurred: Ch. 495, Acts of 2001.

12 15-604.

13 (d) The Treasurer shall separately hold, and the Comptroller shall [account,
14 for] ACCOUNT FOR, the Fund.

15 DRAFTER'S NOTE:

16 Error: Misplaced punctuation in § 15-604(d) of the Health - General
17 Article.

18 Occurred: Ch. 565, Acts of 2000.

19 17-202.

20 (d) (1) In addition to the regulations adopted under subsection (a) of this
21 section, the Secretary shall adopt regulations establishing specific standards for
22 medical laboratories engaged in cytology, including regulations that:

23 (i) Limit the number of slides an individual may examine;

24 (ii) Require that the examination of cytology slides be performed in
25 a medical laboratory that has a license issued by the Secretary;

26 (iii) Prohibit payment to cytotechnologists for the examination of
27 cytology specimens or slides on a piecework basis;

28 (iv) Require cytology laboratories to review no less than 10 percent
29 of all negative gynecological slides;

30 (v) Require that the cytology review be performed by an individual
31 who qualifies as a supervisory cytotechnologist or a pathologist;

32 (vi) Require the individual who directs the laboratory to establish
33 and administer an ongoing quality assurance program using standards acceptable to
34 the Secretary;

1 (vii) Require cytology laboratories to reject unsatisfactorily prepared
2 specimens, make appropriate comments regarding the quality of the specimen, and
3 maintain records on unsatisfactorily prepared specimens for 5 years subject to review
4 by the Department;

5 (viii) Require cytology laboratories to maintain and store for 5 years
6 from the date of examination any slide that was examined;

7 (ix) Require all cytology reports to be retained for at least 10 years;

8 (x) Prohibit any person from sending cytology specimens to a
9 laboratory, including out-of-state [laboratories] LABORATORIES, not licensed by the
10 Department;

11 (xi) Require all individuals who examine gynecological slides
12 acquired from persons in this State to demonstrate satisfactory performance in an
13 approved cytology proficiency testing program; and

14 (xii) Establish any additional standards the Secretary considers
15 necessary to assure that medical laboratories engaged in cytology provide safe and
16 reliable services.

17 DRAFTER'S NOTE:

18 Error: Omitted comma in § 17-202(d)(1)(x) of the Health - General
19 Article.

20 Occurred: Ch. 465, Acts of 1995.

21 17-214.

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

23 (4) "Job applicant" means an individual who:

24 (i) Has applied for a position with an employer; AND

25 (ii) Is not currently employed by the employer.

26 DRAFTER'S NOTE:

27 Error: Omitted conjunction in § 17-214(a)(4)(i) of the Health - General
28 Article.

29 Occurred: Ch. 615, Acts of 2001. Correction by the publisher of the
30 Annotated Code in the 2001 Supplement of the Health - General Article is
31 ratified by this Act.

32 (k) (2) The employer may designate an employee or any other individual to
33 be trained, including any individual employed by a medical laboratory designated

1 under subsection [(b)(2)(iv)] (B)(2)(V) of this section who will perform preliminary
2 screening procedures for the employer.

3 DRAFTER'S NOTE:

4 Error: Erroneous cross-reference in § 17-214(k)(2) of the Health -
5 General Article.

6 Occurred: Ch. 615, Acts of 2001. Correction by the publisher of the
7 Annotated Code in the 2001 Supplement of the Health - General Article is
8 ratified by this Act.

9 19-303.

10 (d) (3) The Nonprofit Hospital Community HEALTH Benefit Report shall be
11 made available to the public free of charge.

12 (4) The Commission shall submit a copy of the annual Nonprofit
13 Hospital Community HEALTH Benefit Report, subject to § 2-1246 of the State
14 Government [Article] ARTICLE, to the House Economic Matters Committee and the
15 Senate Finance Committee.

16 DRAFTER'S NOTE:

17 Error: Omitted word in § 19-303(d)(3) and (4) of the Health - General
18 Article and omitted comma in § 19-303(d)(4) of the Health - General
19 Article.

20 Occurred: Ch. 178, Acts of 2001. Correction of the omitted words by the
21 publisher of the Annotated Code in the 2001 Supplement of the Health -
22 General Article is ratified by this Act.

23 19-713.2.

24 (b) This section does not apply to a contract between a health maintenance
25 organization and a contracting provider that is affiliated with the health maintenance
26 organization through common ownership within an insurance holding company
27 system, if the health maintenance organization:

28 (1) Files with the Commissioner consolidated financial statements that
29 include the contracting provider; and

30 (2) Records a reserve for the liabilities of the contracting provider in
31 accordance with § 5-201 of [this article] THE INSURANCE ARTICLE.

32 DRAFTER'S NOTE:

33 Error: Erroneous cross-reference in § 19-713.2(b)(2) of the Health -
34 General Article.

35 Occurred: Ch. 323, Acts of 2000.

1 21-1113.

2 (h) Prior to issuing an order of impoundment, the Department, with the
3 approval of the Board of Pharmacy, shall develop regulations concerning:

4 (1) The nature, type, and amount of information upon which the
5 Department may rely to issue an order of impoundment;

6 (2) The level of investigation the Department must pursue to verify the
7 information upon which the order of impoundment was based under subsection
8 (b)(1)(iv) or (v) or (c)(2) of this section; and

9 (3) The measures the Department must pursue to attempt service on the
10 permit holder or authorized prescriber prior to impoundment under subsection [(b)]
11 (C) of this section.

12 DRAFTER'S NOTE:

13 Error: Erroneous cross-reference in § 21-1113(h)(3) of the Health -
14 General Article.

15 Occurred: Ch. 476, Acts of 2001.

16 **Article - Health Occupations**

17 1A-316.

18 (a) An acupuncturist licensed by the Board may provide direct supervision to
19 not more than three individuals performing auricular detoxification in any one
20 setting, if each individual:

21 (4) Agrees to be subject to the Board for any violation of § 1A-309 of this
22 [title] SUBTITLE; and

23 DRAFTER'S NOTE:

24 Error: Stylistic error in § 1A-316(a)(4) of the Health Occupations Article.

25 Occurred: Ch. 317, Acts of 2001.

26 4-308.

27 (f) While it is effective, a retired volunteer dental hygienist's license to
28 practice dental hygiene issued under this title authorizes the licensee to practice
29 dental hygiene:

30 (3) If the dental hygienist signs a written statement agreeing to donate
31 at least 100 hours of dental hygiene services without compensation in a facility that
32 satisfies the requirements of [subsections] SUBSECTION (g)(1) and (2) of this section;

33 DRAFTER'S NOTE:

1 Error: Stylistic error in § 4-308(f)(3) of the Health Occupations Article.

2 Occurred: Ch. 83, Acts of 2000.

3 8-208.

4 (m) (1) Each nurse or nursing assistant who requests to participate in the
5 program shall agree to cooperate with the individual rehabilitation program designed
6 by [a] THE Committee.

7 (n) After [a] THE Committee has determined that a nurse or nursing
8 assistant has been rehabilitated, the Committee shall purge and destroy all records
9 concerning a nurse's or nursing assistant's participation in the program.

10 (p) The Board shall provide for the representation of any person making
11 reports to [a] THE Committee or the Board under this section in any action for
12 defamation directly resulting from reports or information given to [a] THE
13 Committee or the Board regarding a nurse's or nursing assistant's participation in the
14 program.

15 DRAFTER'S NOTE:

16 Error: Incorrect word usage in § 8-208(m)(1), (n), and (p) of the Health
17 Occupations Article.

18 Occurred: Ch. 508, Acts of 1988.

19 8-6A-01.

20 (f) "Certified nursing assistant":

21 (1) Means an individual regardless of title who routinely performs
22 nursing tasks delegated by a registered nurse or licensed practical nurse for
23 compensation or satisfies the criteria contained in § 8-6A-05(d) of this [title]
24 SUBTITLE; and

25 (2) Does not include a medication assistant.

26 DRAFTER'S NOTE:

27 Error: Stylistic error in § 8-6A-01(f)(1) of the Health Occupations Article.

28 Occurred: Ch. 360, Acts of 2001.

29 14-405.

30 (a) Except as otherwise provided in the Administrative Procedure Act, before
31 the Board takes any action under § 14-404(a) of this subtitle or § 14-5A-17(a) or §
32 14-606(f)[(1)] of this title, it shall give the individual against whom the action is
33 contemplated an opportunity for a hearing before a hearing officer.

1 DRAFTER'S NOTE:

2 Error: Incorrect cross-reference in § 14-405(a) of the Health Occupations
3 Article.

4 Occurred: Chs. 478 and 479, Acts of 2001. Correction by the publisher of
5 the Annotated Code in the 2001 Supplement to the Health Occupations
6 Article is ratified by this Act.

7 14-413.

8 (a) (1) Every 6 months, each hospital and related institution shall file with
9 the Board a report that:

10 (ii) States whether, as to each licensed physician, during the 6
11 months preceding the report:

12 5. The hospital or related institution placed any other
13 restrictions or conditions on any of the licensed physicians as listed in items [1.
14 through 4.] 1 THROUGH 4 of this subparagraph for any reasons that might be grounds
15 for disciplinary action under § 14-404 of this subtitle.

16 DRAFTER'S NOTE:

17 Error: Stylistic error in § 14-413(a)(1)(ii)5 of the Health Occupations
18 Article.

19 Occurred: Chs. 641 and 642, Acts of 1986.

20 15-101.

21 (s) (1) "Supervision" means the responsibility of a physician to exercise [on
22 site] ON-SITE supervision or immediately available direction for physician assistants
23 performing delegated medical acts.

24 (2) "Supervision" includes physician oversight of and acceptance of direct
25 responsibility for the patient services and care rendered by a physician assistant,
26 including continuous availability to the physician assistant in person, through
27 written instructions, or by electronic means.

28 DRAFTER'S NOTE:

29 Error: Omitted hyphen in § 15-101(s)(1) of the Health Occupations
30 Article.

31 Occurred: Ch. 759, Acts of 1986.

1 15-314.

2 Subject to the hearing provisions of § 15-315 of this subtitle, the Board, on the
3 affirmative vote of a majority of its members then serving, may reprimand any
4 certificate holder or suspend or revoke a certificate if the certificate holder:

5 (6) Refuses, withholds from, denies, or discriminates against an
6 individual with regard to the provision of professional services for which the [licensee
7 is licensed] CERTIFICATE HOLDER IS CERTIFIED and qualified to render because the
8 individual is HIV positive;

9 DRAFTER'S NOTE:

10 Error: Incorrect terminology in § 15-314(6) of the Health Occupations
11 Article.

12 Occurred: Ch. 789, Acts of 1989.

13 **Article - Insurance**

14 8-109.

15 (a) If the Commissioner has reason to believe that a controlling insurance
16 producer has violated or is violating this subtitle, the Commissioner shall:

17 (1) serve on the controlling insurance producer a statement of charges
18 [an] AND notice of hearing; and

19 DRAFTER'S NOTE:

20 Error: Incorrect word usage in § 8-109(a)(1) of the Insurance Article.

21 Occurred: Ch. 731, Acts of 2001. Correction by the publisher of the
22 Annotated Code in the 2001 Supplement of the Insurance Article is ratified
23 by this Act.

24 10-116.1.

25 (f) The Commissioner may waive the reinstatement procedures of this section
26 for an insurance producer who is unable to comply with the renewal and
27 reinstatement procedures due to:

28 [(i)] (1) military service; or

29 [(ii)] (2) other extenuating circumstances, including a long-term
30 medical disability.

31 DRAFTER'S NOTE:

32 Error: Stylistic errors in § 10-116.1(f) of the Insurance Article.

1 Occurred: Ch. 731, Acts of 2001. Correction by the publisher of the
2 Annotated Code in the 2001 Supplement of the Insurance Article is ratified
3 by this Act.

4 10-117.

5 (b) (2) If a licensee fails to timely inform the Commissioner of a change in
6 legal name or address, the licensee is in violation of § 10-126(a)(1) of [the Insurance
7 Article] THIS SUBTITLE.

8 DRAFTER'S NOTE:

9 Error: Stylistic error in § 10-117(b)(2) of the Insurance Article.

10 Occurred: Ch. 731, Acts of 2001.

11 10-126.

12 (g) (3) If an insurance producer is prosecuted for a crime in any jurisdiction,
13 the insurance producer shall report the prosecution to the Commissioner within 30
14 days after the insurance producer's initial appearance before a court, including an
15 appearance before:

16 [1.] (I) a judicial officer of the District Court due to an
17 arrest;

18 [2.] (II) the District Court in response to a summons;

19 [3.] (III) the circuit court due to execution of a warrant; or

20 [4.] (IV) the circuit court in person or by written notice of
21 counsel in response to a summons.

22 DRAFTER'S NOTE:

23 Error: Stylistic errors in § 10-126(g)(3) of the Insurance Article.

24 Occurred: Ch. 731, Acts of 2001. Correction by the publisher of the
25 Annotated Code in the 2001 Supplement of the Insurance Article is ratified
26 by this Act.

27 10-128.

28 (a) This section does not apply to:

29 (3) insurance of:

30 (iii) liability or other risks, incident to the ownership, maintenance,
31 or operation of a subject of insurance under [subitems] ITEM (i) or (ii) of this item;

32 DRAFTER'S NOTE:

1 Error: Stylistic error in § 10-128(a)(3)(iii) of the Insurance Article.

2 Occurred: Ch. 36, Acts of 1995.

3 14-107.

4 (b) (2) If after the time period provided under paragraph (1) of this
5 subsection the Commissioner determines that a nonprofit health service plan has not
6 satisfied the requirements of § 14-106 of this [subtitle;] SUBTITLE:

7 (i) the Commissioner shall report the determination to the House
8 Economic Matters Committee and the Senate Finance Committee, including the
9 reasons for the determination; and

10 (ii) if required by an act of the General Assembly, the nonprofit
11 health service plan shall be subject to the premium tax under Title 6, Subtitle 1 of
12 this article.

13 DRAFTER'S NOTE:

14 Error: Incorrect punctuation in § 14-107(b)(2) of the Insurance Article.

15 Occurred: Ch. 178, Acts of 2001. Correction by the publisher of the
16 Annotated Code in the 2001 Supplement of the Insurance Article is ratified
17 by this Act.

18 15-10A-02.

19 (f) For nonemergency cases, when a carrier renders an adverse decision, the
20 carrier shall:

21 (2) send, within 5 working days after the adverse decision has been
22 made, a written notice to the member and a health care provider acting on behalf of
23 the member that:

24 (v) includes the following information:

25 5. the address, telephone number, facsimile number, and
26 [email] ELECTRONIC MAIL address of the Health Advocacy Unit.

27 DRAFTER'S NOTE:

28 Error: Incorrect terminology in § 15-10A-02(f)(2)(v)5 of the Insurance
29 Article.

30 Occurred: Ch. 371, Acts of 2000.

31 27-216.

32 (b) (2) Paragraph (1) of this subsection does not prohibit:

1 (iv) A fund producer from charging and collecting, as actual
2 expenses incurred in placing automobile insurance with the Maryland Automobile
3 Insurance Fund:

4 1. a maximum charge of \$10 plus \$1 more than the actual
5 charge by the Motor Vehicle Administration for a driving record required to be
6 presented with the application, unless otherwise provided by the Fund; or

7 2. the amount provided in subsection (e) of this section.

8 DRAFTER'S NOTE:

9 Error: Omitted article in § 27-216(b)(2)(iv) of the Insurance Article.

10 Occurred: Ch. 731, Acts of 2001. Correction by the publisher of the
11 Annotated Code in the 2001 Supplement of the Insurance Article is ratified
12 by this Act.

13 (d) (1) Notwithstanding subsection (a) of this section, a surplus lines broker
14 that holds a certificate of qualification under Title 3, Subtitle 3 of this article may
15 charge a reasonable policy fee not [exceeding;] EXCEEDING:

16 (i) \$100 on each personal lines policy procured by a licensed
17 insurance producer to whom the surplus lines broker pays a commission; or

18 (ii) \$250 on each commercial lines policy procured by a licensed
19 insurance producer to whom the surplus lines broker pays a commission.

20 DRAFTER'S NOTE:

21 Error: Incorrect punctuation in § 27-216(d)(1) of the Insurance Article.

22 Occurred: Ch. 218, Acts of 2001. Correction by the publisher of the
23 Annotated Code in the 2001 Supplement of the Insurance Article is ratified
24 by this Act.

25 27-503.

26 (b) (2) If an insurer intends to cancel a written agreement with an insurance
27 producer or intends to refuse a class of renewal business from an insurance producer,
28 the insurer shall give the insurance producer at least 90 [days] DAYS' written notice.

29 DRAFTER'S NOTE:

30 Error: Grammatical error in § 27-503(b)(2) of the Insurance Article.

31 Occurred: Ch. 35, Acts of 1997. Correction by the publisher of the
32 Annotated Code in the 2001 Supplement of the Insurance Article is ratified
33 by this Act.

1 (e) If an insurer or insurance producer that accepts business from an
2 insurance producer acting on behalf of an insured or prospective insured rejects the
3 business of an insurance producer acting on behalf of an insured or prospective
4 insured, the insurer or insurance producer shall give to the Commissioner and the
5 insurance producer acting on behalf of an insured or prospective insured, on request
6 of [the] that insurance producer, the reasons for the rejection in writing.

7 DRAFTER'S NOTE:

8 Error: Extraneous word in § 27-503(e) of the Insurance Article.

9 Occurred: Ch. 731, Acts of 2001. Correction by the publisher of the
10 Annotated Code in the 2001 Supplement of the Insurance Article is ratified
11 by this Act.

12 **Article - Labor and Employment**

13 8-1001.

14 (d) In addition to other circumstances for which a disqualification may be
15 imposed, neither good cause nor a valid circumstance [exist] EXISTS and a
16 disqualification shall be imposed if an individual leaves employment:

17 (1) to become self-employed;

18 (2) to accompany a spouse to a new location or to join a spouse in a new
19 location; or

20 (3) to attend an educational institution.

21 DRAFTER'S NOTE:

22 Error: Grammatical error in § 8-1001(d) of the Labor and Employment
23 Article.

24 Occurred: Ch. 22, Acts of 1992.

25 11-503.

26 (c) "Low-income individual" means an individual who:

27 (2) received an income, or is a member of a family that received a total
28 family income for the 6-month period prior to application for the program involved
29 (exclusive of unemployment compensation, child support payments, payments
30 described in paragraph (1) of this subsection, and old age and survivors insurance
31 benefits received under Section 202 of the Social Security Act (42 [U.S.C 402] U.S.C.
32 § 402)) that, in relation to family size, does not exceed the higher of:

33 (i) the poverty level for an equivalent period; or

1 (ii) 70 percent of the lower living standard income level for an
2 equivalent period;

3 (3) is a member of a household that receives food stamps or has been
4 determined within the 6-month period prior to application for the program involved
5 to be eligible to receive food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C.
6 [2011] § 2011 et seq.);

7 (6) qualifies as a homeless individual, as defined in subsections (a) and
8 (c) of § 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. [11302]
9 § 11302).

10 DRAFTER'S NOTE:

11 Error: Stylistic errors in § 11-503(c)(2), (3), and (6) of the Labor and
12 Employment Article.

13 Occurred: Ch. 315, Acts of 2001. Correction by the publisher of the
14 Annotated Code in the 2001 Supplement of the Labor and Employment
15 Article is ratified by this Act.

16 **Article - Natural Resources**

17 5-15A-02.

18 (b) The purpose of the Program is to create a statewide green infrastructure
19 network by the acquisition of property and property interests, including easements, in
20 a manner that compliments already existing conservation programs, including:

21 [(i)] (1) Program Open Space under Subtitle 9 of this title;

22 [(ii)] (2) The Rural Legacy Program under Subtitle 9A of this title; and

23 [(iii)] (3) The Maryland Agricultural Land Preservation Program under
24 Title 2, Subtitle 5 of the Agriculture [Article] ARTICLE.

25 DRAFTER'S NOTE:

26 Error: Stylistic errors and omitted period in § 5-15A-02(b) of the
27 Natural Resources Article.

28 Occurred: Ch. 570, Acts of 2001. Correction by the publisher of the
29 Annotated Code in the 2001 Supplement to the Natural Resources Article
30 is ratified by this Act.

31 (d) The Department may use Program funds to:

32 (1) Acquire real property interests in the green infrastructure network
33 in accordance with this subtitle and the acquisition procedures for Program Open

1 Space projects set forth in Title 4, Subtitle 4, Part III of the State Finance and
2 Procurement Article and § 5-904(d) of this [article] TITLE; and

3 DRAFTER'S NOTE:

4 Error: Stylistic error in § 5-15A-02(d)(1) of the Natural Resources
5 Article.

6 Occurred: Ch. 570, Acts of 2001.

7 8-738.

8 (b) (2) If at the time of testing an individual has an alcohol concentration
9 that meets the [under the influence of alcohol per se] definition OF "UNDER THE
10 INFLUENCE OF ALCOHOL PER SE" in § 11-127.1 of the Transportation Article, as
11 determined by an analysis of the individual's blood or breath, it shall be prima facie
12 evidence that the individual was operating a vessel while under the influence of
13 alcohol.

14 DRAFTER'S NOTE:

15 Error: Grammatical error and omitted quotation marks in § 8-738(b)(2)
16 of the Natural Resources Article.

17 Occurred: Chs. 4 and 5, Acts of 2001.

18

Article - Public Utility Companies

19 3-203.

20 Every final decision, order, or regulation of the Commission is prima facie
21 correct and shall be affirmed unless clearly shown to be:

22 (1) unconstitutional;

23 (2) outside the statutory authority or jurisdiction of the Commission;

24 (3) made on unlawful procedure;

25 (4) arbitrary or capricious;

26 (5) affected by other error of law; or

27 (6) if the subject of review is an order entered in a contested proceeding
28 after a hearing, [the order is] unsupported by substantial evidence on the record
29 considered as a whole.

30 DRAFTER'S NOTE:

31 Error: Grammatical error in § 3-203(6) of the Public Utility Companies
32 Article.

1 Occurred: Ch. 8, Acts of 1998.

2 4-401.

3 As it considers necessary, and in accordance with the requirements of [§§ 4-402
4 and 4-403] § 4-402 of this subtitle, the Commission may allow a gas company or
5 electric company to establish a sliding scale to adjust costs of its fuel, purchased
6 power, or purchased gas.

7 DRAFTER'S NOTE:

8 Error: Obsolete cross-reference in § 4-401 of the Public Utility
9 Companies Article.

10 Occurred: As a result of Chs. 3 and 4, Acts of 1999.

11 4-402.

12 (a) (1) This section applies to:

13 (i) [the] electric fuel rate adjustment [clause of each electric
14 company that is not subject to § 4-403 of this subtitle] CLAUSES;

15 DRAFTER'S NOTE:

16 Error: Obsolete language in § 4-402(a)(1)(i) of the Public Utility
17 Companies Article.

18 Occurred: As a result of Chs. 3 and 4, Acts of 1999.

19 6-207.

20 In addition to any other information that the Commission requires, the annual
21 report of a public service company shall state:

22 (6) when applicable:

23 (i) [a monthly compilation of revenues collected as fuel rate
24 adjustments under § 4-403 of this article;

25 (ii)] a monthly compilation of expenditures that were the basis for
26 any fuel rate adjustment; and

27 [(iii)] (II) an annual recapitulation of the information required
28 under [subitems (i) and (ii)] SUBITEM (I) of this item.

29 DRAFTER'S NOTE:

30 Error: Obsolete language in § 6-207(6) of the Public Utility Companies
31 Article.

1 Occurred: As a result of Chs. 3 and 4, Acts of 1999.

2 8-201.

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

4 [(2)] (3) "Telephone lifeline service" means a local telephone service
5 provided to eligible subscribers that, at a discount, provides an individual residential
6 local exchange dial access line plus the first 30 residential local untimed messages per
7 billing month.

8 [(3)] (2) "Eligible subscriber" means an individual who is certified to the
9 local telephone company in whose service area the individual is applying for service
10 by the Department of Human Resources as receiving assistance under Article 88A, §§
11 44A through 53 of the Code, receiving State-funded public assistance benefits, or
12 receiving supplemental security income under Title XVI of the federal Social Security
13 Act.

14 DRAFTER'S NOTE:

15 Error: Stylistic error (failure to place defined terms in alphabetical
16 order) in § 8-201(a) of the Public Utility Companies Article.

17 Occurred: Ch. 8, Acts of 1998.

18 **Article - State Finance and Procurement**

19 13-321.

20 (a) The Board may terminate without liability a procurement contract for
21 architectural services or engineering services if:

22 (1) there has been a conviction of a crime arising out of or in connection
23 with the procurement contract or any payment to be made under the procurement
24 contract; or

25 (2) there has been a breach or violation of[:

26 (i)] any provision of this subtitle[: or

27 (ii) a clause of the procurement contract against contingent fees
28 required under § 13-319(a) of this subtitle].

29 DRAFTER'S NOTE:

30 Error: Obsolete cross-reference in § 13-321(a)(2) of the State Finance
31 and Procurement Article.

32 Occurred: As a result of Ch. 750, Acts of 1994.

Article - State Government

1

2 9-1405.

3 (b) The Office shall:

4 (10) report to the Governor and, in accordance with § 2-1246 of [the State
5 Government Article] THIS ARTICLE, to the General Assembly on or before December
6 1, 2001 and each December 1 thereafter on the activities of the Office and the
7 implementation of smart growth projects in the preceding calendar year.

8 DRAFTER'S NOTE:

9 Error: Stylistic error in § 9-1405(b)(10) of the State Government Article.

10 Occurred: Ch. 566, Acts of 2001.

11 9-1406.

12 (h) The Subcabinet shall:

13 (3) in coordination with State agencies, evaluate and report annually to
14 the Governor and, in accordance with § 2-1246 of [the State Government Article]
15 THIS ARTICLE, to the General Assembly on the implementation of the State's smart
16 growth policy; and

17 DRAFTER'S NOTE:

18 Error: Stylistic error in § 9-1406(h)(3) of the State Government Article.

19 Occurred: Ch. 566, Acts of 2001.

20 9-2404.

21 (c) Of the 16 Council members:

22 (1) one shall be the [Secretary] STATE SUPERINTENDENT or a designee
23 from the State Department of Education;

24 DRAFTER'S NOTE:

25 Error: Misnomer in § 9-2404(c)(1) of the State Government Article.

26 Occurred: Ch. 537, Acts of 2001. Correction by the publisher of the
27 Annotated Code in the 2001 Supplement of the State Government Article
28 is ratified by this Act.

29 10-110.

30 (b) At least 15 days before the date a proposed regulation is submitted to the
31 Maryland Register for publication under § 10-112 of this subtitle, the promulgating

1 unit shall submit to the State Children's Environmental Health and Protection
2 Advisory Council established under [§ 13-1003] § 13-1503 of the Health - General
3 Article for review any proposed regulations identified by the promulgating unit as
4 having an impact on environmental hazards affecting the health of children.

5 DRAFTER'S NOTE:

6 Error: Erroneous cross-reference in § 10-110(b) of the State Government
7 Article.

8 Occurred: As a result of multiple Chs. 17, 18, 74, 376, 512, 513, and 585,
9 Acts of 2000, adding the same subtitle designations.

10 10-135.

11 (b) (1) On completion of its evaluation report, a unit shall:

12 (iii) publish a notice in the Maryland Register that the evaluation
13 report is available for public inspection and comment for 60 [days;] DAYS.

14 DRAFTER'S NOTE:

15 Error: Incorrect punctuation in § 10-135(b)(1)(iii) of the State
16 Government Article.

17 Occurred: Ch. 380, Acts of 2001. Correction by the publisher of the
18 Annotated Code in the 2001 Supplement of the State Government Article
19 is ratified by this Act.

20 12-101.

21 (a) In this subtitle, unless the context clearly requires otherwise, "State
22 personnel" means:

23 (2) an employee or official of the:

24 (viii) Maryland African American Museum [Corporation.]
25 CORPORATION;

26 DRAFTER'S NOTE:

27 Error: Incorrect punctuation in § 12-101(a)(2)(viii) of the State
28 Government Article.

29 Occurred: Ch. 448, Acts of 2001. Correction by the publisher of the
30 Annotated Code in the 2001 Supplement of the State Government Article
31 is ratified by this Act.

1 13-304.

2 The striped bass or rockfish ([Morne] MORONE saxatilis) is the State fish.

3 DRAFTER'S NOTE:

4 Error: Misspelling in § 13-304 of the State Government Article.

5 Occurred: Ch. 29, Acts of 2001. Correction by the publisher of the
6 Annotated Code in the 2001 Supplement of the State Government Article
7 is ratified by this Act.

8 **Article - State Personnel and Pensions**

9 3-102.

10 (b) This title does not apply to:

11 (4) an employee who is:

12 (i) a special [appointee] APPOINTMENT in the State Personnel
13 Management System; or

14 DRAFTER'S NOTE:

15 Error: Incorrect word usage in § 3-102(b)(4)(i) of the State Personnel and
16 Pensions Article.

17 Occurred: Ch. 298, Acts of 1999.

18 [(13)] (12) any supervisory, managerial, or confidential employee of a State
19 institution of higher education listed in subsection (a)(5) of this section, as defined in
20 regulations adopted by the governing board of the institution.

21 DRAFTER'S NOTE:

22 Error: Incorrect numbering in § 3-102(b)(13) of the State Personnel and
23 Pensions Article.

24 Occurred: Ch. 341, Acts of 2001. Correction by the publisher of the
25 Annotated Code in the 2001 Supplement of the State Personnel and
26 Pensions Article is ratified by this Act.

27 3-403.

28 (d) (2) [(i)] The presidents of the system institutions may agree to
29 cooperate for the purpose of collective bargaining:

30 [1.] (I) before the election of exclusive representatives; or

1 [2.] (II) after the certification of exclusive representatives
2 under § 3-406(a) of this title.

3 DRAFTER'S NOTE:

4 Error: Stylistic tabulation error in § 3-403(d)(2) of the State Personnel
5 and Pensions Article.

6 Occurred: Ch. 341, Acts of 2001. Correction by the publisher of the
7 Annotated Code in the 2001 Supplement of the State Personnel and
8 Pensions Article is ratified this Act.

9 21-304.

10 (d) Beginning July 1, 2001, each year the Board of Trustees shall set
11 contribution rates for each State system that shall amortize:

12 (1) all unfunded liabilities or surpluses accrued as of June 30, 2000, over
13 20 years; and

14 (2) any new unfunded liabilities or surpluses that have accrued from
15 July 1 of the preceding fiscal year over 25 years to reflect:

16 (i) experience gains and losses;

17 (ii) the effect of changes in actuarial assumptions; and

18 (iii) the effect of legislation effective on or after July 1, 2001.

19 [(3)] (E) (1) If the accrued liability is increased by legislation that
20 provides for early retirement of State employees, the additional liability shall be
21 funded over a period of 5 years beginning on:

22 (i) July 1, 1997 for legislation effective June 1, 1996; and

23 (ii) July 1, 1998 for legislation effective June 1, 1997.

24 [(4)] (2) If the accrued liability is increased by legislation effective June
25 1, 1998, that provides for the early retirement of employees of the University System
26 of Maryland who are members of the Employees' Pension System or the Employees'
27 Retirement System, the additional liability shall be determined by the actuary and
28 funded over a period of 5 years beginning on July 1, 1999 by payment of an annual
29 accrued liability contribution by the University System of Maryland and the Medical
30 System as provided in § 21-307(i) and (j) of this subtitle.

31 DRAFTER'S NOTE:

32 Error: Stylistic tabulation error in § 21-304(d) of the State Personnel
33 and Pensions Article.

34 Occurred: Ch. 583, Acts of 2001.

1 21-305.5.

2 (e) (4) The assets to the credit of the participating governmental [unit]
3 UNITS as of the valuation date shall be:

4 (i) increased by the sum of the outstanding balances of:

5 1. the special accrued liability attributable to each
6 participating governmental unit under § 21-305.3 of this subtitle;

7 2. the deficit allocated to each participating governmental
8 unit under § 21-305.4(c) of this subtitle; and

9 3. the withdrawal liability contribution attributable to each
10 participating governmental unit under subsection (h) of this section; and

11 (ii) decreased by the sum of the outstanding balances of the surplus
12 allocated to each participating governmental unit under § 21-305.4(b) of this subtitle.

13 DRAFTER'S NOTE:

14 Error: Incorrect word usage in § 21-305.5(e)(4) of the State Personnel
15 and Pensions Article.

16 Occurred: Ch. 586, Acts of 2001.

17 21-307.

18 (j) (1) The Medical System, as defined in § 13-301(k) of the Education
19 Article, shall pay an annual accrued liability contribution equal to an amount that is
20 sufficient to liquidate, over not more than 5 years, the increase in the accrued liability
21 determined under [§ 21-304(d)] § 21-304(E)(2) of this subtitle that is attributable to
22 the retirement of Medical System university personnel, as defined in § 13-301(q) of
23 the Education Article, by means of annual payments that increase each year based on
24 actuarial assumptions adopted by the Board of Trustees on the recommendation of
25 the actuary.

26 DRAFTER'S NOTE:

27 Error: Incorrect cross-reference in § 21-307(j)(1) of the State Personnel
28 and Pensions Article.

29 Occurred: As a result of the merger of Chs. 530 and 675, Acts of 1998;
30 Chapter 583 of 2001; and an erroneous correction by the publisher of the
31 Annotated Code in the 2001 Supplement of the State Personnel and
32 Pensions Article. The correction to § 21-307(j)(1) corresponds to changes
33 made to § 21-304 of the State Personnel and Pensions Article as enacted
34 by this Act.

1 22-406.

2 (b) (4) Except for an individual whose allowance is subject to a reduction as
3 provided under paragraphs [(1)(i)] (1)(III) and (3) of this subsection, the reduction of
4 an allowance under this subsection does not apply to:

5 (i) an individual who has been retired for more than 10 years;

6 (ii) an individual whose average final compensation was less than
7 \$10,000 and who is reemployed on a temporary or contractual basis;

8 (iii) an individual who is serving in an elected position as an official
9 of a participating governmental unit or as a constitutional officer for a county that is
10 a participating governmental unit;

11 (iv) a retiree of the Teachers' Retirement System:

12 1. who retired and was reemployed by a participating
13 employer other than the State on or before September 30, 1994; and

14 2. whose employment compensation does not derive, in whole
15 or in part, from State funds;

16 (v) a retiree of the Teachers' Retirement System who:

17 1. is or has been certified to teach in the State;

18 2. has verification of satisfactory or better performance in
19 the last assignment prior to retirement;

20 3. based on the retired teacher's qualifications, has been
21 appointed in accordance with § 4-103 of the Education Article;

22 4. subject to item 5 of this item is employed as:

23 A. a substitute classroom teacher or substitute teacher
24 mentor in a public school that has been recommended for reconstitution, or has been
25 reconstituted, by the State Board of Education, until the public school meets the
26 standards for school performance set by the State Board of Education;

27 B. a classroom teacher or teacher mentor in a public school
28 that has been recommended for reconstitution, or has been reconstituted, by the State
29 Board of Education, until the public school meets the standards for school
30 performance set by the State Board of Education;

31 C. a classroom teacher or teacher mentor in a county or
32 subject area on a statewide basis in which the State Board of Education finds that
33 there is a shortage of teachers, until the State Board of Education finds the shortage
34 no longer exists in that county or subject area on a statewide basis; or

- 1 D. a substitute classroom teacher or substitute teacher
 2 mentor in a county or subject area on a statewide basis in which the State Board of
 3 Education finds that there is a shortage of teachers, until the State Board of
 4 Education finds the shortage no longer exists in that county or subject area on a
 5 statewide basis; and
- 6 5. receives verification of satisfactory or better performance
 7 each year the teacher is employed under item 4 of this item;
- 8 (vi) a retiree of the Teachers' Retirement System who:
- 9 1. A. was employed as a principal within 5 years of
 10 retirement; or
- 11 B. was employed as a principal not more than 10 years before
 12 retirement and was employed in a position supervising principals in the retiree's last
 13 assignment prior to retirement;
- 14 2. has verification of better than satisfactory performance for
 15 each year as a principal and, if applicable, in a position supervising principals prior to
 16 retirement;
- 17 3. based on the retiree's qualifications, has been hired as a
 18 principal;
- 19 4. receives verification of better than satisfactory
 20 performance each year the retiree is employed as a principal under item 3 of this
 21 item; and
- 22 5. is not employed as a principal under item 3 of this item for
 23 more than 4 years;
- 24 (vii) a former employee of the Domestic Relations Division of Anne
 25 Arundel County Circuit Court who transfers into the State Employees' Personnel
 26 System under § 2-510 of the Courts Article; or
- 27 (viii) a retiree of the Employees' Retirement System who is
 28 reemployed on a contractual basis by the Department of Health and Mental Hygiene
 29 as a health care practitioner, as defined in § 1-301 of the Health Occupations Article,
 30 in:
- 31 1. a State residential center as defined in § 7-101 of the
 32 Health - General Article;
- 33 2. a chronic disease center subject to Title 19, Subtitle 5 of
 34 the Health - General Article;
- 35 3. a State facility as defined in § 10-101 of the Health -
 36 General Article; or

- 1 D. a substitute classroom teacher or substitute teacher
 2 mentor in a county or subject area on a statewide basis in which the State Board of
 3 Education finds that there is a shortage of teachers, until the State Board of
 4 Education finds the shortage no longer exists in that county or subject area on a
 5 statewide basis; and
- 6 5. receives verification of satisfactory or better performance
 7 each year the teacher is employed under item 4 of this item;
- 8 (iv) a retiree of the Teachers' Pension System who:
- 9 1. A. was employed as a principal within 5 years of
 10 retirement; or
- 11 B. was employed as a principal not more than 10 years before
 12 retirement and was employed in a position supervising principals in the retiree's last
 13 assignment prior to retirement;
- 14 2. has verification of better than satisfactory performance for
 15 each year as a principal and, if applicable, in a position supervising principals prior to
 16 retirement;
- 17 3. based on the retiree's qualifications, has been hired as a
 18 principal;
- 19 4. receives verification of better than satisfactory
 20 performance each year the retiree is employed as a principal under item 3 of this
 21 item; and
- 22 5. is not employed as a principal under item 3 of this item for
 23 more than 4 years;
- 24 (v) an individual who has been retired for more than 10 years; or
- 25 (vi) a retiree of the Employees' Pension System who is reemployed
 26 on a contractual basis by the Department of Health and Mental Hygiene as a health
 27 care practitioner, as defined in § 1-301 of the Health Occupations Article in:
- 28 1. a State residential center as defined in § 7-101 of the
 29 Health - General Article;
- 30 2. a chronic disease center subject to Title 19, Subtitle 5 of
 31 the Health - General Article;
- 32 3. a State facility as defined in § 10-101 of the Health -
 33 General Article; or
- 34 4. a county board of health subject to Title 3, Subtitle 2 of the
 35 Health - General Article.

36 DRAFTER'S NOTE:

1 Error: Incorrect cross-reference in § 23-407(b)(4) of the State Personnel
2 and Pensions Article.

3 Occurred: Ch. 733, Acts of 2001. Correction by the publisher of the
4 Annotated Code in the 2001 Supplement of the State Personnel and
5 Pensions Article is ratified by this Act.

6 (j) If the retiree's last assignment prior to retirement was in a position
7 directly supervising principals as provided under subsection [(b)(4)(iii)] (B)(4)(IV) of
8 this section, the county boards of education shall verify for the State Retirement
9 Agency the retiree's employment as a supervisor and a principal.

10 DRAFTER'S NOTE:

11 Error: Incorrect cross-reference in § 23-407(j) of the State Personnel
12 and Pensions Article.

13 Occurred: Ch. 732, Acts of 2001. Correction by the publisher of the
14 Annotated Code in the 2001 Supplement of the State Personnel and
15 Pensions Article is ratified by this Act.

16 **Article - Tax - General**

17 10-207.

18 (r) (1) In this subsection, "modified Maryland adjusted gross income" means
19 Maryland adjusted gross income determined separately for each spouse on a joint
20 return without regard to the subtraction allowed under this subsection.

21 (2) [Subject to the limitation under paragraph (3) of this subsection, for]
22 FOR a two-income married couple filing a joint return, the subtraction under
23 subsection (a) of this section includes the lesser of \$1,200 or the modified Maryland
24 adjusted gross income of the spouse with the lesser modified Maryland adjusted gross
25 income for the taxable year.

26 DRAFTER'S NOTE:

27 Error: Obsolete reference in § 10-207(r)(2) of the Tax - General Article.

28 Occurred: Ch. 493, Acts of 1999.

29 10-209.

30 (a) In this section:

31 (2) "employee retirement system" does not include:

32 (ii) a Roth individual retirement account under [408A] § 408A of
33 the Internal Revenue Code;

34 DRAFTER'S NOTE:

1 Error: Stylistic error in § 10-209(a)(2)(ii) of the Tax - General Article.

2 Occurred: Ch. 29, Acts of 2001. Correction by the publisher of the
3 Annotated Code in the 2001 Supplement of the Tax - General Article is
4 ratified by this Act.

5 10-702.

6 (d) (1) If a business entity does not claim an enhanced tax credit under
7 subsection (e) of this section for a focus area employee, for each taxable year after the
8 taxable year described in subsection (c) of this section, while the area is designated an
9 enterprise zone, a credit is allowed that equals:

10 (i) up to \$3,000 of the wages paid to each qualified employee who:

11 1. is an economically disadvantaged [individual]

12 INDIVIDUAL;

13 DRAFTER'S NOTE:

14 Error: Omitted semicolon in § 10-702(d)(1)(i)1 of the Tax - General
15 Article.

16 Occurred: Ch. 305, Acts of 2001. Correction by the publisher of the
17 Annotated Code in the 2001 Supplement of the Tax - General Article is
18 ratified by this Act.

19 **Article - Transportation**

20 2-103.3.

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

23 DRAFTER'S NOTE:

24 Error: Extraneous comma in § 2-103.3(a)(1) of the Transportation
25 Article.

26 Occurred: Chs. 162 and 743, Acts of 1985.

27 3-519.

28 (b) This issuance of refunding bonds under this section, the details of their
29 issuance, the rights of their holders, and the rights, duties, and obligations of the
30 Department with respect to them are governed by the provisions of this subtitle
31 relating to revenue bonds, insofar as those provisions may be applicable, except that
32 the issuance of such refunding bonds and the obligations with respect to them are not
33 subject to the [provision] PROVISIONS of § 3-516 of this subtitle.

34 DRAFTER'S NOTE:

1 Error: Incorrect word usage in § 3-519(b) of the Transportation Article.

2 Occurred: Ch. 539, Acts of 1993.

3 8-627.

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

5 (2) "Defense-related activity" means:

6 (i) The preparation of the United States or a state for defense or
7 war; or

8 (ii) The prosecution of war by the United States or a country with
9 which the United States maintains friendly relations.

10 (3) "Highway authority" means a governing body or individual with the
11 authority under law to restrict or close a highway to the public.

12 (4) "Political subdivision" means a county, municipal corporation, special
13 taxing district, or public corporation of the State.

14 (5) "Public utility" includes a pipeline, gas, electric, heat, water, oil,
15 sewer, communication, radio, transportation, railroad, airplane, or other system
16 owned or operated for public use.

17 DRAFTER'S NOTE:

18 Error: Stylistic errors in § 8-627(a) of the Transportation Article.

19 Occurred: Ch. 166, Acts of 2001. Correction by the publisher of the
20 Annotated Code in the 2001 Replacement Volume of the Transportation
21 Article is validated by this Act.

22 13-616.

23 (b) (1) The owner of any vehicle described in paragraph (3) of this subsection
24 may apply to the Administration for the assignment to that vehicle of a special
25 disability registration number and special disability registration plates, if a licensed
26 physician, licensed chiropractor, licensed optometrist, or licensed podiatrist certifies,
27 in accordance with paragraph (2) of this subsection, that the applicant, a dependent of
28 the applicant, or any individual who depends on the applicant for transportation:

29 (i) Has lung disease to such an extent that forced (respiratory)
30 expiratory volume for one second when measured by spirometry is less than one liter,
31 or arterial oxygen tension [(P02)] (PO2) is less than 60 mm/hg on room air at rest;

32 DRAFTER'S NOTE:

33 Error: Typographical error in § 13-616(b)(1)(i) of the Transportation
34 Article.

1 Occurred: Ch. 360, Acts of 1999.

2 13-616.1.

3 (a) A person may apply to the Administration for a parking placard on a form
4 provided by the Administration if the applicant, a [dependant] DEPENDENT of the
5 applicant, or any individual who depends on the applicant for transportation:

6 (1) Has a permanent disability as described in § 13-616(b)(1) of this
7 subtitle and as certified by a licensed physician, licensed chiropractor, licensed
8 optometrist, or licensed podiatrist, as defined in § 13-616(a) of this subtitle; or

9 (2) Has a permanent disability as described in § 13-616(b)(1)(vi) or (vii)
10 of this subtitle and as self-certified as provided by § 13-616(b)(2)(iv) of this subtitle.

11 DRAFTER'S NOTE:

12 Error: Misspelling in § 13-616.1(a) of the Transportation Article.

13 Occurred: Ch. 360, Acts of 1999.

14 13-955.

15 (e) The money in the Fund shall be used solely for:

16 (5) The provision of grants under the [State] SENATOR WILLIAM H.
17 AMOSS Fire, Rescue, and Ambulance Fund in accordance with the provisions of
18 Article 38A, §§ 45A through 45D of the Code; and

19 DRAFTER'S NOTE:

20 Error: Misnomer in § 13-955(e)(5) of the Transportation Article.

21 Occurred: As a result of Fund name change by Ch. 3, Acts of 1998.

22 16-105.

23 (f) (2) The Administration may:

24 (i) Examine the applicant's driving as provided in § 16-110 of this
25 [title] SUBTITLE; or

26 DRAFTER'S NOTE:

27 Error: Stylistic error in § 16-105(f)(2)(i) of the Transportation Article.

28 Occurred: Ch. 483, Acts of 1998.

1 22-218.

2 (c) (10) (i) An emergency vehicle of any foreign state may be equipped with
3 any lights or signals:

4 1. As provided by this subsection; or

5 2. As permitted by the state in which the vehicle is
6 registered.

7 (ii) 1. The use of any lights or signals permitted under this
8 paragraph is limited to an emergency vehicle, as defined in § 11-118 of this article,
9 responding to an emergency or pursuing a violator, and equipped with an audible
10 signal as provided in this section.

11 2. Foreign vehicles, as defined in § 11-124 of this article,
12 which are privately owned by members of volunteer fire companies, ambulance or
13 rescue squads, fire departments, and law enforcement agencies may be equipped with
14 lights or signals as permitted by the state in which the vehicle is registered, but such
15 lights or signals may be used while the vehicle is in this State only by those personnel
16 and under the circumstances authorized under paragraph (3) of this subsection.

17 [(ii)] (III) In addition to the penalties provided in Title 27 of this
18 article, any person convicted of a violation of this section may have his driving
19 privileges suspended for a period of 30 days, and the registration of the vehicle may be
20 suspended for a period of 30 days, notwithstanding that the owner of the vehicle may
21 not be the operator at the time of the offense, unless the owner proves to the
22 satisfaction of the Administration that he had no control over the use or display of a
23 light or signal device and could not prevent the violation of this section.

24 DRAFTER'S NOTE:

25 Error: Misnumbering in § 22-218(c)(10) of the Transportation Article.

26 Occurred: Ch. 490, Acts of 2001. Correction by the publisher of the
27 Annotated Code in the 2001 Supplement of the Transportation Article is
28 ratified by this Act.

29 23-206.2.

30 (a) (1) A motor vehicle for which special registration plates have been issued
31 under § 13-616 of this article, is exempt from the mandatory inspections required by
32 this subtitle if:

33 (ii) The motor vehicle is driven [less than] 5,000 miles or less
34 annually; and

35 DRAFTER'S NOTE:

36 Error: Extraneous language in § 23-206.2(a)(1)(ii) of the Transportation

1 Article.

2 Occurred: Ch. 480, Acts of 1999.

3 25-201.

4 (b) "Abandoned vehicle" means any motor vehicle, trailer, or semitrailer:

5 (7) That has remained on public property for more than 48 [hours; and]
6 HOURS AND:

7 (i) Is not displaying currently valid registration plates; or

8 (ii) Is displaying registration plates of another vehicle;

9 DRAFTER'S NOTE:

10 Error: Extraneous semicolon and omitted colon in § 25-201(b)(7) of the
11 Transportation Article.

12 Occurred: Ch. 156, Acts of 1980.

13 **Chapter 249 of the Acts of 1999, as amended by Chapter 94 of the Acts of 2001**

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, THAT:

16 (5) Prior to the payment of any funds under the provisions of this Act for the
17 purposes set forth in Section 1(3) above, the grantee shall provide and expend a
18 matching fund. No part of the grantee's matching fund may be provided, either
19 directly or indirectly, from funds of the State, whether appropriated or
20 unappropriated. No part of the fund may consist of real property or in kind
21 contributions. The fund may consist of funds expended prior to the effective date of
22 this Act. In case of any dispute as to the amount of the matching fund or what money
23 or assets may qualify as matching funds, the Board of Public Works shall determine
24 the matter and the Board's decision is final. The grantee has until June 1, 2003, to
25 present evidence satisfactory to the Board of Public Works that a matching fund will
26 be provided. If satisfactory evidence is presented, the Board shall certify this fact and
27 the amount of the matching fund to the State Treasurer, and the proceeds of the loan
28 equal to the amount of the matching fund shall be expended for the purposes provided
29 in this Act. Any amount of the loan in excess of the amount of the matching fund
30 certified by the Board of Public Works shall be canceled and be of no further effect.

31 DRAFTER'S NOTE:

32 Error: Omitted language in Section 1 of Ch. 94, Acts of 2001.

33 Occurred: Ch. 94, Acts of 2001.

1 **Chapter 309 of the Acts of 2000**

2 SECTION 6. AND BE IT FURTHER ENACTED, That:

3 (e) All funds provided for purses and bred funds at harness racing [racks,]
4 TRACKS, mile thoroughbred racing tracks, and Timonium Race Course by this Act
5 shall be in addition to and may not supplant:

6 (1) Amounts allocated for purses and bred funds under current
7 agreements between the harness racing tracks and the organization that represents a
8 majority of owners and trainers of standardbred horses in the State; and

9 (2) Amounts otherwise provided in statute for purses and bred funds at
10 mile thoroughbred racing tracks and Timonium Race Course.

11 DRAFTER'S NOTE:

12 Error: Incorrect word usage in Section 6(e) of Ch. 309, Acts of 2000.

13 Occurred: Ch. 309, Acts of 2000.

14 **Chapter 299 of the Acts of 2001**

15 SECTION [2.] 3. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect October 1, 2001.

17 DRAFTER'S NOTE:

18 Error: Incorrect section designation in the second Section 2 of Ch. 299,
19 Acts of 2001.

20 Occurred: Ch. 299, Acts of 2001.

21 **Chapter 725 of the Acts of 2001**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
23 EFFECT July 1, 2001.

24 DRAFTER'S NOTE:

25 Error: Omitted word in Section 2 of Ch. 725, Acts of 2001.

26 Occurred: Ch. 725, Acts of 2001.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the article designation
28 "Article 26A - Criminal Injuries Compensation Act" of the Annotated Code of
29 Maryland be repealed.

30 DRAFTER'S NOTE:

31 Error: Failure to repeal article number and title in Article 26A to reflect

1 the recodification of the provisions of the article.

2 Occurred: Ch. 585, Acts of 1996.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
4 read as follows:

5 **Article - State Personnel and Pensions**

6 22-406.

7 (b) (4) Except for an individual whose allowance is subject to a reduction as
8 provided under paragraphs [(1)(i)](1)(III) and (3) of this subsection, the reduction of
9 an allowance under this subsection does not apply to:

10 (i) an individual who has been retired for more than 10 years;

11 (ii) an individual whose average final compensation was less than
12 \$10,000 and who is reemployed on a temporary or contractual basis;

13 (iii) an individual who is serving in an elected position as an official
14 of a participating governmental unit or as a constitutional officer for a county that is
15 a participating governmental unit;

16 (iv) a retiree of the Teachers' Retirement System:

17 1. who retired and was reemployed by a participating
18 employer other than the State on or before September 30, 1994; and

19 2. whose employment compensation does not derive, in whole
20 or in part, from State funds;

21 (v) a former employee of the Domestic Relations Division of Anne
22 Arundel County Circuit Court who transfers into the State Employees' Personnel
23 System under § 2-510 of the Courts Article.

24 DRAFTER'S NOTE:

25 Error: Incorrect cross-reference in § 22-406(b)(4) of the State Personnel
26 and Pensions Article.

27 Occurred: Ch. 733, Acts of 2001. Correction by the publisher of the
28 Annotated Code in the 2001 Supplement of the State Personnel and
29 Pensions Article is ratified by this Act.

30 23-407.

31 (b) (4) Except for an individual whose allowance is subject to a reduction as
32 provided under paragraphs [(1)(i)] (1)(III) and (3) of this subsection, the reduction of
33 an allowance under this subsection does not apply to:

1 (i) an individual whose average final compensation was less than
2 \$10,000 and who is reemployed on a temporary or contractual basis;

3 (ii) an individual who is serving in an elected position as an official
4 of a participating governmental unit or as a constitutional officer for a county that is
5 a participating governmental unit; or

6 (iii) an individual who has been retired for more than 10 years.

7 DRAFTER'S NOTE:

8 Error: Incorrect cross-reference in § 23-407(b)(4) of the State Personnel
9 and Pensions Article.

10 Occurred: Ch. 733, Acts of 2001. Correction by the publisher of the
11 Annotated Code in the 2001 Supplement of the State Personnel and
12 Pensions Article is ratified by this Act.

13 SECTION 4. AND BE IT FURTHER ENACTED, That the Annotated Code of
14 Maryland has been corrected as directed by Chapter 255 of the Acts of 2001
15 (Annotated Code of Maryland - References to "Handicapped" Persons - Change of
16 Terminology). Pursuant to Section 1(3) of Chapter 255 of the Acts of 2001, changes
17 were made in the following articles and sections of the Annotated Code and are
18 validated by this Act:

19 Article 10	Section 45J
20 Article 44A	Sections 1-103(r)(2), 2-102(a) and (c)
21 Article 49D	Sections 8(b)(2)(iv) and 9(c)(6) and (7)
22 Article 83B	Sections 2-301(6), 2-302(c)(3) and (r), 23 2-306(e)(2) and (3), 2-703(a)
24 Education	Section 5-201(c)(7)
25 Health - General	Sections 19-307(b)(2)(ii)4., 22-310(a)
26 Labor and Employment	Sections 3-415(b)(6), 11-403(a)(3), 27 11-503(c)(5) and (l)(2), 11-504(b)
28 Real Property	Section 11-109(d)(22)
29 State Finance and Procurement	Section 13-106(a)(1)
30 State Government	Section 9-301(d)(1)(ii)
31 Tax - General	Sections 11-211(b)(16)(i) and (ii), 32 13-901(f)(1)(ii)5.B., D., and E.
33 Transportation	Sections 7-505(d)(2), 13-810(a)(15), 34 21-1103(c)

35 SECTION 5. AND BE IT FURTHER ENACTED, That the Annotated Code of
36 Maryland has been corrected to reflect the changes necessitated by Chapter 731 of the
37 Acts of 2001 (Insurance Producer Licensing Act). Pursuant to Section 9 of Chapter
38 731 of the Acts of 2001, additional changes were made in the following articles and

1 sections of the Annotated Code and are validated by this Act:

2 Commercial Law	Sections 12-123(c), 12-124(a)(4),
3	12-410(f)(1), 12-909.1(c), 12-1007.1(c)
4 Corporations and Associations	Section 11-412(a)(3)(ii)
5 Health - General	Section 19-735(b)(1)
6 Insurance	Sections 1-205(b), 2-109(c)(2)(i) and (ii),
7	5-506(a)(2)(ii), 8-518(a)(3), 9-219(b)(2),
8	9-414(h)(3), 10-125(a)(2)(iii)2. and (d),
9	12-301(d)(1), 13-110(f)(2)(i), 15-406(e),
10	18-103(c), 20-202(c), 23-302(b)(1) and
11	(2), 23-405(f), 23-505.1, 27-216(b)(2)(iii)
12	and (d)(1)(i) and (ii), 27-603(d),
13	27-802(a)(2), 27-803(b)(1)(i)
14 Transportation	Sections 14-107(m), 17-106(a)(2)(i) and
15	(e)(2)(i)2., 20-105.1(a)(3), 20-107(c)(3)

16 SECTION 6. AND BE IT FURTHER ENACTED, That the publisher of the
 17 Annotated Code of Maryland, subject to the approval of the Department of Legislative
 18 Services, shall make any changes in the text of the Annotated Code necessary to
 19 effectuate any termination provision that was enacted by the General Assembly and
 20 has taken effect or will take effect prior to October 1, 2002. Any enactment of the 2002
 21 Session of the General Assembly that negates or extends the effect of a previously
 22 enacted termination provision shall prevail over the provisions of this section.

23 SECTION 7. AND BE IT FURTHER ENACTED, That the Drafter's Notes
 24 contained in this Act are not law and may not be considered to have been enacted as
 25 part of this Act.

26 SECTION 8. AND BE IT FURTHER ENACTED, That the provisions of this
 27 Act are intended solely to correct technical errors in the law and that there is no
 28 intent to revive or otherwise affect law that is the subject of other acts, whether those
 29 acts were signed by the Governor prior to or after the signing of this Act.

30 SECTION 9. AND BE IT FURTHER ENACTED, That any reference in the
 31 Annotated Code of Maryland rendered obsolete by an Act of the General Assembly of
 32 2002 shall be corrected by the publisher of the Annotated Code, in consultation with
 33 and subject to the approval of the Department of Legislative Services, with no further
 34 action required by the General Assembly. The publisher shall adequately describe any
 35 such correction in an editor's note following the section affected.

36 SECTION 10. AND BE IT FURTHER ENACTED, That the publisher of the
 37 Annotated Code of Maryland, in consultation with and subject to the approval of the
 38 Department of Legislative Services, at the time of publication of a replacement
 39 volume of the Annotated Code, shall make nonsubstantive corrections to style,
 40 capitalization, punctuation, grammar, spelling, and any reference rendered obsolete
 41 by an Act of the General Assembly, with no further action required by the General
 42 Assembly.

1 SECTION 11. AND BE IT FURTHER ENACTED, That Section 3 of this Act
2 shall take effect on the taking effect of the termination provisions specified in Section
3 3 of Chapter 733 of the Acts of the General Assembly of 2001. If these termination
4 provisions take effect, Sections 22-406(b)(4) and 23-407(b)(4) of Article - State
5 Personnel and Pensions as enacted by Section 1 of this Act shall be abrogated and of
6 no further force and effect. This Act may not be interpreted to have any effect on those
7 termination provisions.

8 SECTION 12. AND BE IT FURTHER ENACTED, That this Act is an
9 emergency measure, is necessary for the immediate preservation of the public health
10 or safety, has been passed by a yea and nay vote supported by three-fifths of all the
11 members elected to each of the two Houses of the General Assembly, and shall take
12 effect from the date it is enacted.