SENATE BILL 284

P5 EMERGENCY BILL 3lr0847

By: **The President (By Request – Department of Legislative Services)**
Introduced and read first time: January 22, 2013
Assigned to: Rules

Committee Report: Favorable
Senate action: Adopted
Read second time: February 1, 2013

CHAPTER _____

AN ACT concerning

Annual Corrective Bill

FOR the purpose of correcting certain errors and omissions in certain articles of the Annotated Code and certain uncodified laws; clarifying language; correcting certain obsolete references; reorganizing certain sections of the Annotated Code; ratifying certain corrections made by the publishers of the Annotated Code; providing that this Act is not intended to affect any law other than to correct technical errors; providing for the correction of certain errors and obsolete provisions by the publishers of the Annotated Code; providing for the effect and construction of certain provisions of this Act; and making this Act an emergency measure.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(p)(3)(ii)2. and (iii)2., 7–101(p–1)(11)(i)2., 8–216(a)(5), (6), and (7), 9–217(d) and (e)(5), and 10–103(b)(9)(iii) and (iv)3.
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing
Article 41 – Governor – Executive and Administrative Departments
Section 18–202
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

BY repealing and reenacting, with amendments,
Article 95 – Treasurer
Section 22F(c)(3) and (d)(2)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 5–207(h)
Annotated Code of Maryland
(2007 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
The subtitle designation "Subtitle 2. Superintendent" immediately preceding § 13–201; and Section 17–405 and 17–410(b)(2)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 13–201
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–301(f)(1), 16–222(a), and 16.5–216(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 4–104(a)(4)
Annotated Code of Maryland
(2002 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 4A–606(3)
Annotated Code of Maryland
(2007 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 11–504(h)(3)
Annotated Code of Maryland

(2006 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–304(c)(2)(iv), 3–306(c)(2)(iv), 3–907, 5–621(a)(2), and 10–119(g)(4) and (5)
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 4–115(c)(1)(iii), 11–202(a)(3), and 18–1502(c) and (d)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 11–203(d)(2)(iii)2.B.
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)
(As enacted by Chapter 596 of the Acts of the General Assembly of 2012)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–243(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 5–203.1(b)(1) and (c)(5)
Annotated Code of Maryland
(2007 Replacement Volume and 2012 Supplement)
(As enacted by Chapter 142 of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–206(c), (f), (g)(1)(iv), and (k)
Annotated Code of Maryland
(2007 Replacement Volume and 2012 Supplement)
(As enacted by Chapter 149 of the Acts of the General Assembly of 2012)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.2(h)(2)(i)1.D. and E. and 14–508(b)(2)
Annotated Code of Maryland
(2007 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–321(a)(3)(iii), 5–339(a)(3)(v); the part designation "Part II. Adoption Proceeding" immediately preceding Section 5–3B–12; the part designation "Part IV. Prohibited Act" immediately preceding Section 5–3B–32; 14–305(3) and 14–307(a)
Annotated Code of Maryland
(2012 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–3B–12 and 5–3B–32(a)
Annotated Code of Maryland
(2012 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–901(f)(1), 18–1001(4), 19–1801(2)(i), 20–111(b), and 21–2A–01(g)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–6A–05(c)(3), 9–314.2(b)(2), 12–407(e), and 14–5B–05(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 31–103(a)(2)(i) and 31–113(m)(3)(i)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–206(b)(5)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Land Use
Section 1–501, 1–507(a), 1–509(a)(1), and 5–104(e)(1)
Annotated Code of Maryland
(2012 Volume)
(As enacted by Chapter 149 of the Acts of the General Assembly of 2012)

BY repealing and reenacting, with amendments,
Article – Land Use
Section 18–207(d)(2)
Annotated Code of Maryland
(2012 Volume)
(As enacted by Chapter 426 of the Acts of the General Assembly of 2012)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1017(c) and 4–11B–01(b)
Annotated Code of Maryland
(2012 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 10–104(d)(2)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–125(f)(4)(i)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5A–303(a)(16) and (17) and (b)(1)(iii), 6–222(a)(5), 12–111(a)(3)(ii), and 12–301(b)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–06(d) and 10–617(b)(4)(ii)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 1–305
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–202(b) and 4–105(a–1)

Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)
(As enacted by Chapter 603 of the Acts of the General Assembly of 2012)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 7–208(a)(4) and 12–117(c)(5)
Annotated Code of Maryland
(2012 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–701(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–127.2(a)(2)(ii)1.A. and (b)(2)(i)1., 16–122(a)(1)(i)3., and 26–404(d)
Annotated Code of Maryland
(2012 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–205.1(a)(1)
Annotated Code of Maryland
(2012 Replacement Volume)
(As enacted by Chapters 4 and 5 of the Acts of the General Assembly of 2001)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–111.3(b)(3)
Annotated Code of Maryland
(2012 Replacement Volume)
(As enacted by Chapters 375 and 376 of the Acts of the General Assembly of 2012)

BY repealing and reenacting, with amendments,
Chapter 545 of the Acts of the General Assembly of 2012
Section 3

BY repealing and reenacting, with amendments,
Chapter 570 of the Acts of the General Assembly of 2012
Section 7(e)(2)(ii)1.

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

Article 2B – Alcoholic Beverages

6–201.

(p) (3) (ii) 2. To qualify for a license under **[**sub–subparagraph 1 of this paragraph**]** **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH**, the applicant's establishment shall:

A. Be licensed by the county to operate as a bed and breakfast establishment; and

B. Have a maximum of 3 rooms, excluding the resident management quarters, which the public, for consideration, may use for sleeping accommodations for a specified period of time.

(iii) 2. To qualify for a license under **[**sub–subparagraph 1 of this paragraph**]** **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH**, the applicant's establishment shall:

A. Be licensed by the county to operate as a country inn;

B. Have a maximum of 10 rooms, excluding the resident management quarters, which the public, for consideration, may use for sleeping accommodations for a specified period of time; and

C. Have a kitchen facility for the guests that is separate from the kitchen facility for the resident management quarters.

DRAFTER'S NOTE:

Error: Stylistic errors in Article 2B, § 6–201(p)(3)(ii)2 and (iii)2.

Occurred: Ch. 22, Acts of 1992.

7–101.

(p–1) (11) (i) The Board of License Commissioners may issue a refillable container permit to a holder of any class of alcoholic beverages license issued by the Board of License Commissioners except a Class C license and a Class GC license:

2. At no cost to the **[**B–SBW**]** license holder.

DRAFTER'S NOTE:

Error: Obsolete reference in Article 2B, § 7–101(p–1)(11)(i)2.

Occurred: As a result of Ch. 412, Acts of 2012, which authorized sales in refillable containers by most retail alcoholic beverages licensees rather than only Class B–SBW licensees. Correction recommended by the Attorney General in the Bill Review Letter for H.B. 1047 (Ch. 412) of 2012 (footnote 5), dated April 24, 2012.

8–216.

(a) (5) The City of Takoma Park is excepted from the provisions of paragraph (2) of this subsection **[**if subsection (d) of this section becomes effective**]**.

(6) The town of Laytonsville is excepted from the provisions of paragraph (2) of this subsection **[**if subsection (e) of this section becomes effective**]**.

(7) Damascus (12th election district) is excepted from the provisions of paragraph (2) of this subsection **[**if subsection (f) of this section becomes effective**]**.

DRAFTER'S NOTE:

Error: Obsolete language in Article 2B, § 8–216(a)(5), (6), and (7), which exempted Takoma Park, Laytonsville, and Damascus, respectively, from a specified provision of law, contingent on the taking effect of provisions requiring approval by a majority of the votes cast in various referenda.

Occurred: As a result of the general elections on November 6, 1984 (affecting Takoma Park), November 8, 1988 (affecting Laytonsville), and November 6, 2012 (affecting Damascus). In each case, a majority of the votes cast was "For" the referendum question, and the contingent provisions thereby took effect.

9–217.

(d) This section does not apply to a license issued under the provisions of **[**§ 6–201(r)(2)**] § 6–201(R)(3)**, **[**(5)**](6)**, (15), or (17), or § 7–101 of this article.

(e) (5) This subsection does not apply to any license issued under **[**§ 6–201(r)(2)**] § 6–201(R)(3)**, (4), **[**(5)**](6)**, (15), (16), or (18) or § 7–101 of this article.

DRAFTER'S NOTE:

Error: Erroneous cross–references in Article 2B, § 9–217(d) and (e)(5).

Occurred: As a result of Ch. 5, Acts of 1993.

10–103.

(b) (9) (iii) In Somerset and Wicomico counties, a statement that the applicant consents to the Board investigating the applicant's criminal record; **[**and**]**

(iv) 3. In Charles County, a signed statement by the applicant that the applicant has not been convicted of a felony, or, except for an applicant for a Class B beer, wine and liquor (BLX) luxury restaurant license, if the application is being made for the use of a corporation, that the applicant and none of the stockholders of that corporation have been convicted of a felony; **AND**

DRAFTER'S NOTE:

Error: Extraneous conjunction in Article 2B, § 10–103(b)(9)(iii) and omitted conjunction in (iv)3.

Occurred: As a result of Ch. 302, Acts of 2006.

Article 41 – Governor – Executive and Administrative Departments

[18–202.

(a) The Secretary of Agriculture shall study the effectiveness of an ethanol and gasoline mixture, known as gasohol, as an alternative fuel for motor vehicles. The Secretary of Agriculture shall initiate a 1–year program of tests using gasohol for fuel in eight presently owned State motor vehicles according to the provisions of this section. The purposes of the gasohol testing program are:

(1) To evaluate the cost–effectiveness of gasohol as an alternative fuel for motor vehicles;

(2) To evaluate the performance of gasohol as an alternative fuel for motor vehicles;

(3) To compare the performance of gasohol in a new motor vehicle with its performance in a used motor vehicle;

(4) To determine the negative effects, if any, from using gasohol in a motor vehicle for an extended period of time; and

(5) To investigate and review the feasibility of establishing a local source of supply for methanol or ethanol utilizing State agricultural produce.

(b) The motor vehicles used in the gasohol testing program shall consist of the following:

(1) Four motor vehicles currently in use with the Department of General Services which have been in use for 1 year before the tests begin; and

(2) Four new motor vehicles of the Department of General Services may be used for the test.

(c) The costs of the gasohol testing program shall be paid from funds appropriated in the State budget.

(d) The gasohol testing program shall include, but is not limited to, at least one member from each of the following:

(1) The Department of Agriculture;

(2) The Department of General Services;

(3) The Department of the Environment; and

(4) The Department of Natural Resources.

(e) The gasohol testing program shall conduct the testing program according to the following procedures:

(1) Locate gasohol suppliers and contract with a supplier, according to the procurement procedures of this subtitle, to provide a sufficient amount of gasohol for the testing program;

(2) The test motor vehicles shall be operated by Department of General Services personnel in the Department's routine operations;

(3) It shall provide for regular evaluation of the test vehicles during the course of the testing program;

(4) The test vehicles shall be operated throughout the State to provide as many diverse operating conditions as are practicable;

(5) It shall prepare a final report of the testing program which includes:

(i) A critical evaluation of the performance of gasohol;

(ii) A breakdown of the costs incurred in the operation of the test vehicles using gasohol; and

(iii) Recommendations for future use of gasohol in State motor vehicles; and

(6) The gasohol testing program shall be submitted no later than January 1, 1980 to the Legislative Policy Committee.

(f) The Legislative Policy Committee shall make a report of its recommendations to the Governor and to the General Assembly no later than January 31, 1980.**]**

DRAFTER'S NOTE:

Error: Obsolete language in Article 41, § 18–202.

Occurred: As a result of the fact that the study required by Art. 41, § 18–202 was required to be completed by January 31, 1980. The study was concluded and the report of the Maryland Gasohol Testing Program was included in the Gasohol Study Commission's final report in January, 1981.

Article 95 – Treasurer

22F.

(c) (3) If the governing body of a local government unit amends its local investment policy, the local government **UNIT** shall submit its new policy to the State Treasurer consistent with the provisions of paragraph (2) of this subsection.

(d) (2) If the local government unit amends its local debt policy, the local government **UNIT** shall submit its revised policy to the State Treasurer consistent with the provisions of paragraph (1) of this subsection.

DRAFTER'S NOTE:

Error: Omitted word in Article 95, § 22F(c)(3) and (d)(2).

Occurred: Ch. 143, Acts of 1995; Ch. 693, Acts of 2009.

Article – Agriculture

5–207.

(h) **(1)** A person who sells or distributes a restricted use pesticide shall hold a dealer permit from the Secretary.

[(1)**] (2)** Each application for a dealer permit shall be accompanied by a $25 permit fee.

[(2)**] (3)** Each dealer permit shall be renewed annually upon payment of the permit fee.

DRAFTER'S NOTE:

Error: Tabulation error in § 5–207(h) of the Agriculture Article.

Occurred: Chs. 301 and 302, Acts of 1987.

Article – Business Occupations and Professions

Subtitle 2. **[**Superintendent**]** **SECRETARY**.

13–201.

Subject to the provisions of this title, the Secretary is responsible for the licensing of private detective agencies and the regulation of those persons who provide private detective services in the State.

DRAFTER'S NOTE:

Error: Obsolete language in the subtitle designation immediately preceding § 13–201 of the Business Occupations and Professions Article.

Occurred: As a result of Chs. 165 and 166, Acts of 1994, which created the Department of State Police but failed to amend the subtitle designation to reflect that the Secretary is the head of that Department.

17–405.

A real estate broker shall include in each sales contract that is provided by the real estate broker a written notice to the buyer that the buyer is protected by the Guaranty Fund in an amount not exceeding **[**$25,000**]** **$50,000**.

DRAFTER'S NOTE:

Error: Obsolete language in § 17–405 of the Business Occupations and Professions Article.

Occurred: As a result of Ch. 184, Acts of 2012, which increased the maximum amount that may be recovered from the Real Estate Guaranty Fund from $25,000 to $50,000.

17–410.

(b) (2) For any claim, the Commission may not order a payment by the Guaranty Fund of more than **[**$25,000**]** **$50,000**.

DRAFTER'S NOTE:

Error: Obsolete language in § 17–410(b)(2) of the Business Occupations and Professions Article.

Occurred: As a result of Ch. 184, Acts of 2012, which increased the maximum amount that may be recovered from the Real Estate Guaranty Fund from $25,000 to $50,000.

Article – Business Regulation

12–301.

(f) (1) When a dealer places items into **[**their**]** **THE DEALER'S** inventory, the dealer shall tag each item individually with a number that corresponds to the transaction under which it was acquired. However, items acquired in a matching set may be tagged as a set.

DRAFTER'S NOTE:

Error: Grammatical error in § 12–301(f)(1) of the Business Regulation Article.

Occurred: Chs. 199 and 200, Acts of 2012. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 246 (Ch. 199)/H.B. 206 (Ch. 200) of 2012 (footnote 2), dated April 23, 2012.

16–222.

(a) A person may not ship, import, or sell into or within this State any brand of cigarette unless that person:

(1) **(I)** is the owner of the brand;

[(2)**]** **(II)** is the United States importer for the brand; or

[(3)**]** **(III)** is a designated agent in Maryland of:

[(i)**]** **1.** the owner of the brand; or

[(ii)**]** **2.** the United States importer of the brand; and

[(4)**]** **(2)** holds any license required by this subtitle.

DRAFTER'S NOTE:

Error: Tabulation error in § 16–222(a) of the Business Regulation Article.

Occurred: Ch. 262, Acts of 1999. Correction based on advice of the Office of the Attorney General, Counsel to the Comptroller of Maryland.

16.5–216.

(a) A person may not ship, import, or sell into or within this State any other tobacco products unless that person:

(1) **(I)** is the owner of the brand;

[(2)**]** **(II)** is the United States importer for the brand; or

[(3)**]** **(III)** is a designated agent in Maryland of:

[(i)**]** **1.** the owner of the brand; or

[(ii)**]** **2.** the United States importer of the brand; and

[(4)**]** **(2)** holds any license required by this subtitle.

DRAFTER'S NOTE:

Error: Tabulation error in § 16.5–216(a) of the Business Regulation Article.

Occurred: Ch. 388, Acts of 2010. Correction based on advice of the Office of the Attorney General, Counsel to the Comptroller of Maryland.

Article – Commercial Law

4–104.

(a) In this title, unless the context otherwise requires:

(4) **[**"Clearing–house"**]** **"CLEARING HOUSE"** means an association of banks or other payors regularly clearing items;

DRAFTER'S NOTE:

Error: Extraneous hyphen in § 4–104(a)(4) of the Commercial Law Article.

Occurred: Ch. 91, Acts of 1996.

Article – Corporations and Associations

4A–606.

Unless otherwise agreed, a person ceases to be a member of a limited liability company upon the occurrence of any of the following events:

(3) The person:

(i) Makes an assignment for the benefit of creditors;

(ii) Institutes a voluntary proceeding with respect to the person under the federal bankruptcy code;

(iii) Is adjudged bankrupt or insolvent or has entered against the person an order for relief in any bankruptcy or insolvency proceeding;

(iv) Files a petition or answer seeking for that person any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation;

(v) Seeks, consents to, or acquiesces in the appointment of a trustee for, receiver for, or liquidation of the member or of all or any substantial part of the person's properties; or

(vi) Files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against the person in any proceeding described in this **[**subsection**]** **ITEM**;

DRAFTER'S NOTE:

Error: Stylistic error in § 4A–606(3) of the Corporations and Associations Article.

Occurred: Ch. 536, Acts of 1992.

Article – Courts and Judicial Proceedings

11–504.

(h) (3) The interest of an alternate payee in a plan described **[**in subsection (h)(1)**]** **UNDER PARAGRAPH (1)** of this **[**section**]** **SUBSECTION** shall be exempt from any and all claims of any creditor of the alternate payee, except claims by the Department of Health and Mental Hygiene.

DRAFTER'S NOTE:

Error: Stylistic error in § 11–504(h)(3) of the Courts and Judicial Proceedings Article.

Occurred: Ch. 613, Acts of 1988.

Article – Criminal Law

3–304.

(c) (2) (iv) If the State fails to comply with subsection (d) of this section, the mandatory minimum **SENTENCE** shall not apply.

DRAFTER'S NOTE:

Error: Omitted word in § 3–304(c)(2)(iv) of the Criminal Law Article.

Occurred: Ch. 4, Acts of the Special Session of 2006.

3–306.

(c) (2) (iv) If the State fails to comply with subsection (d) of this section, the mandatory minimum **SENTENCE** shall not apply.

DRAFTER'S NOTE:

Error: Omitted word in § 3–306(c)(2)(iv) of the Criminal Law Article.

Occurred: Ch. 4, Acts of the Special Session of 2006.

3–907.

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

(2) "Protected individual" means an individual who buys, rents, or borrows a **[**video tape**]** **VIDEOTAPE**, video disk, or film from a **[**video tape**]** **VIDEOTAPE** distributor.

(3) "Publish" means to distribute to a person other than the protected individual or an agent of the protected individual.

(4) **[**"Video tape**]** **"VIDEOTAPE** distributor" means a retail establishment operating for profit that sells, rents, or loans **[**video tapes**]** **VIDEOTAPES**, video disks, or films.

(b) Except as provided in subsection (d) of this section, a **[**video tape**]** **VIDEOTAPE** distributor, or an agent or employee of a **[**video tape**]** **VIDEOTAPE** distributor, may not publish the following information relating to sales, rentals, or loans of **[**video tapes**]** **VIDEOTAPES**, video disks, or films to a protected individual:

(1) any numerical designation used by the **[**video tape**]** **VIDEOTAPE** distributor to identify the protected individual; or

(2) any listing of **[**video tapes**]** **VIDEOTAPES**, video disks, or films bought, rented, or borrowed by the protected individual from the **[**video tape**]** **VIDEOTAPE** distributor.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months for all violations or a fine not exceeding $500 for each violation or both.

(d) This section does not prohibit the distribution of information protected under subsection (b) of this section to:

(1) a person designated by the **[**video tape**]** **VIDEOTAPE** distributor and authorized by the protected individual before distribution to receive the information;

(2) any appropriately authorized law enforcement personnel; or

(3) a collection agency used or person designated by the **[**video tape**]** **VIDEOTAPE** distributor to collect unreturned rental **[**video tapes**]** **VIDEOTAPES**, video disks, or films, or an amount equal to their value.

DRAFTER'S NOTE:

Error: Stylistic errors in § 3–907 of the Criminal Law Article.

Occurred: Ch. 26, Acts of 2002.

5–621.

(a) (2) "Drug trafficking crime" means a felony or a conspiracy to commit a felony involving the possession, distribution, manufacture, or importation of a controlled dangerous substance under §§ 5–602 through 5–609 and 5–614 of this **[**article**]** **SUBTITLE**.

DRAFTER'S NOTE:

Error: Stylistic error in § 5–621(a)(2) of the Criminal Law Article.

Occurred: Ch. 26, Acts of 2002.

10–119.

(g) In any proceeding for a Code violation:

(4) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant; **[**and**]**

(5) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:

(i) guilty of a Code violation; **OR**

(ii) not guilty of a Code violation; **[**or**] AND**

[(iii)**] (6)** before rendering judgment, the court may place the defendant on probation in the same manner and to the same extent as is allowed by law in the trial of a criminal case.

DRAFTER'S NOTE:

Error: Misplaced conjunctions in § 10–119(g)(4) and (5) of the Criminal Law Article.

Occurred: Ch. 26, Acts of 2002.

Article – Education

4–115.

(c) (1) (iii) 1. If the county commissioners or county council provide the required notice to the county board under subparagraph (ii)1 of this paragraph or a public charter school does not need the school site or building under § 9–111 of this article, the land, school site, or building shall be transferred by the county board to the county commissioners or county council and may be used, sold, leased, or otherwise disposed of, except by gift, by the county commissioners or county **[**council; or**] COUNCIL.**

2. If the county commissioners or county council provide the required notice to the county board under subparagraph (ii)2 of this paragraph, the county board shall comply with the provisions of § 9–111 of this article.

DRAFTER'S NOTE:

Error: Incorrect punctuation in § 4–115(c)(1)(iii) of the Education Article.

Occurred: Ch. 502, Acts of 2011.

11–202.

(a) (3) Except as provided in § 11–202.1 of this subtitle, but notwithstanding any other provision of law, an institution **REQUIRED TO REGISTER UNDER PARAGRAPH (2) OF THIS SUBSECTION** that is not accredited by an

accrediting body recognized and approved by the United States Department of Education may not commence or continue to operate, do business, or function in the State.

DRAFTER'S NOTE:

Error: Omitted reference in § 11–202(a)(3) of the Education Article.

Occurred: Chs. 595 and 596, Acts of 2012. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 843 (Ch. 595)/H.B. 1223 (Ch. 596) of 2012, dated April 27, 2012.

11–203.

(d) (2) (iii) 2. B. Notwithstanding **[**subsubparagraph**]** **SUBSUBSUBPARAGRAPH** A of this subsubparagraph, an institution shall be required to contribute to the fund following a claim against the fund being sustained on behalf of a student participating in a fully online distance education program offered in the State by the institution.

DRAFTER'S NOTE:

Error: Stylistic error in § 11–203(d)(2)(iii)2B of the Education Article.

Occurred: Ch. 596, Acts of 2012. Correction by the publisher of the Annotated Code in the 2012 Supplement of the Education Article is ratified by this Act.

18–1502.

(c) Subject to the provisions of subsection (b) of this section, the Office shall assist in the repayment of the amount of any higher education loan owed by a public school teacher in the State who:

(1) Has taught in Maryland for at least 2 years:

(i) In science, technology, engineering, or math subjects; or

(ii) In a school in which at least 75% of the students are enrolled in the free and reduced lunch program in the State **[**for 2 years**]**; and

(2) Has received the highest performance evaluation rating for the most recent year available in the county in which the teacher taught **[**(the grant to be known as the Nancy Grasmick Teacher Award)**]**.

(d) **(1) A GRANT AWARDED UNDER SUBSECTION (C) OF THIS SECTION SHALL BE KNOWN AS THE NANCY GRASMICK TEACHER AWARD.**

(2) A recipient of a Nancy Grasmick Teacher Award shall be known as a Nancy Grasmick Teacher Scholar.

DRAFTER'S NOTE:

Error: Extraneous language in § 18–1502(c)(1)(ii) and misplaced language in § 18–1502(c)(2) of the Education Article.

Occurred: Chs. 495 and 496, Acts of 2012. Corrections suggested by the Attorney General in the Bill Review Letter for S.B. 364 (Ch. 495)/H.B. 613 (Ch. 496) of 2012 (footnote 13), dated April 19, 2012.

Article – Election Law

13–243.

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

(2) **[**"Membership entity" means an organization that collects dues from its members.

(3)**]** "Affiliated political action committee" means a political action committee affiliated with a membership entity.

(3) "MEMBERSHIP ENTITY" MEANS AN ORGANIZATION THAT COLLECTS DUES FROM ITS MEMBERS.

DRAFTER'S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 13–243(a) of the Election Law Article.

Occurred: Ch. 291, Acts of 2002.

Article – Environment

5–203.1.

(b) (1) Except as provided under paragraphs (2) and (3) of this subsection, all applications for wetlands and waterways authorizations issued by the Department under **[**§§ 5–503, 5–906,**] §§ 5–503 AND 5–906 OF THIS TITLE AND §§** 16–202, 16–302, and 16–307 of this article or wetlands licenses issued by the Board of Public Works under § 16–202 of this article shall be accompanied by an application fee as follows:

(i) For an application for a minor project or general permit..... $750;

(ii) For an application for a minor modification..... $250;

(iii) For an application for a major project with a proposed permanent impact of:

1. Less than 1/4 acre..... $1,500;

2. At least 1/4 acre, but less than 1/2 acre..... $3,000;

3. At least 1/2 acre, but less than 3/4 acre..... $4,500;

4. At least 3/4 acre, but less than 1 acre..... $6,000; and

5. 1 acre or more…… the impact area in acres multiplied by $7,500; and

(iv) For an application for a major modification……$1,500.

(c) (5) In accordance with subsection (e) of this section, the Department shall use the Wetlands and Waterways Program Fund for activities related to:

(i) The issuance of authorizations by the Department under **[**§§ 5–503, 5–906,**] §§ 5–503 AND 5–906 OF THIS TITLE AND §§** 16–202, 16–302, and 16–307 of this article or the issuance of wetlands licenses by the Board of Public Works under § 16–202 of this article;

(ii) The management, conservation, protection, and preservation of the State's wetlands and waterways resources; and

(iii) Program development associated with Title 5 and Title 16 of this article, as provided by the State budget.

DRAFTER'S NOTE:

Error: Stylistic error in § 5–203.1(b)(1) and (c)(5) of the Environment Article.

Occurred: Ch. 142, Acts of 2008. Correction by the publisher of the Annotated Code in the 2012 Supplement of the Environment Article is ratified by this Act.

9–206.

(c) (1) Subsections (f) through **[**(k)**] (I)** and subsection **[**(n)**] (L)** of this section do not apply to covenants, restrictions, conditions, or conservation easements that were created or entered into at any time under § 2–118 of the Real Property

Article for the benefit of, or held by, a State agency or a local jurisdiction for the purpose of conserving natural resources or agricultural land.

(2) Subsections (f) through **[**(k)**]** **(I)** of this section may not be construed as granting any additional rights in covenants, restrictions, conditions, or conservation easements that were created or entered into at any time under § 2–118 of the Real Property Article for the benefit of, or held by, a State agency or a local jurisdiction for the purpose of conserving natural resources or agricultural land.

(f) On or after December 31, 2012, a local jurisdiction:

(1) May not authorize a residential major subdivision served by on–site sewage disposal systems, community sewerage systems, or shared systems until the local jurisdiction adopts the growth tiers in accordance with **[**Article 66B, § 1.05 of the Code**]** **§ 5–104 OF THE LAND USE ARTICLE**; or

(2) If the local jurisdiction has not adopted the growth tiers in accordance with **[**Article 66B, § 1.05 of the Code**]** **§ 5–104 OF THE LAND USE ARTICLE**, may authorize:

(i) A residential minor subdivision served by on–site sewage disposal systems if the residential subdivision otherwise meets the requirements of this title; or

(ii) A major or minor subdivision served by public sewer in a Tier I area.

(g) (1) Except as provided in subsection (f)(2) of this section and subject to subsection (i) of this section, a local jurisdiction may authorize a residential subdivision plat only if:

(iv) The subdivision is a major subdivision served by on–site sewage disposal systems, a community system, or a shared facility located in a Tier III area **AND** has been recommended by the local planning board in accordance with § 5–104 of the Land Use Article.

(k) On the basis of information provided under subsection **[**(i)**]** **(J)** of this section, the Department may order:

(1) Preparation and submission, within any time the Department sets, of any plans and specifications that the Department considers necessary to provide for adequate water supply and sewerage service to the subdivision; and

(2) Installation, within any time the Department sets, of the whole or any part of a water supply system or sewerage system for the subdivision that:

(i) Conforms to the plans submitted to the Department and to any revision of the plans that the Department approves; and

(ii) In the judgment of the Department, is needed for the public health.

DRAFTER'S NOTE:

Error: Erroneous internal references in § 9–206(c) and (k), obsolete cross–reference in § 9–206(f), and omitted conjunction in § 9–206(g)(1)(iv) of the Environment Article.

Occurred: Ch. 149, Acts of 2012. Correction recommended by the Attorney General in the Bill Review Letter for S.B. 236 (Ch. 149) of 2012 (footnote 10), dated April 27, 2012. Correction by the publisher of the Annotated Code in the 2012 Supplement of the Environment Article is ratified by this Act.

9–1605.2.

(h) (2) The Comptroller shall:

(i) Deposit 60% of the funds in the separate account to be used for:

1. Subject to paragraph (3) of this subsection, with priority first given to failing systems and holding tanks located in the Chesapeake and Atlantic Coastal Bays Critical Area and then to failing systems that the Department determines are a threat to public health or water quality, grants or loans for up to 100% of:

D. The cost, up to the sum of the costs authorized under item **[**1B**]** **B** of this item for each individual system, of replacing multiple onsite sewage disposal systems located in the same community with a new community sewerage system that is owned by a local government and that meets enhanced nutrient removal standards; or

E. The cost, up to the sum of the costs authorized under item **[**1C**]** **C** of this item for each individual system, of connecting a property using an onsite sewage disposal system to an existing municipal wastewater facility that is achieving enhanced nutrient removal level treatment; and

DRAFTER'S NOTE:

Error: Stylistic errors in § 9–1605.2(h)(2)(i)1D and E of the Environment Article.

Occurred: Chs. 225 and 226, Acts of 2008, and Chs. 492 and 493, Acts of 2011.

14–508.

(b) (2) Procedural regulations adopted under this subsection shall:

(i) Provide for notice to interested persons of any decision to issue or deny a permit; **AND**

(ii) Permit a person to file a petition for judicial review in accordance with the provisions of § 5–204 of this article.

DRAFTER'S NOTE:

Error: Omitted conjunction in § 14–508(b)(2) of the Environment Article.

Occurred: Ch. 651, Acts of 2009.

Article – Family Law

5–321.

(a) (3) Consent of a party to guardianship is not valid unless:

(iii) the party has received written notice or **[**on the record**]** **ON–THE–RECORD** notice before a judge of:

1. the revocation provisions in subsections (a)(2) and (c)(1) of this section;

2. the search rights of adoptees and parents under § 5–359 of this subtitle and the search rights of adoptees, parents, and siblings under Subtitle 4B of this title; and

3. the right to file a disclosure veto under § 5–359 of this subtitle;

DRAFTER'S NOTE:

Error: Omitted hyphens in § 5–321(a)(3)(iii) of the Family Law Article.

Occurred: Ch. 464, Acts of 2005.

5–339.

(a) (3) Consent of a party to an adoption under this Part III of this subtitle is not valid unless:

(v) the party has received written notice or **[**on the record**]** **ON–THE–RECORD** notice of:

1. the revocation provisions in subsections (a)(2) and (b)(1) of this section;

2. the search rights of adoptees and parents under § 5–359 of this subtitle and the search rights of adoptees, parents, and siblings under Subtitle 4B of this title; and

3. the right to file a disclosure veto under § 5–359 of this subtitle; and

DRAFTER'S NOTE:

Error: Omitted hyphens in § 5–339(a)(3)(v) of the Family Law Article.

Occurred: Ch. 464, Acts of 2005.

Part II. Adoption **[**Proceeding**]** **PROCEEDINGS**.

5–3B–12.

Except for a child being placed for adoption with a relative of the child, by blood or marriage within 4 degrees of affinity or consanguinity under the civil law rule, a parent or grandparent may place a child for adoption only if:

(1) a petition for adoption is filed in court; and

(2) the court, by order, sanctions the placement pending final action on the petition.

DRAFTER'S NOTE:

Error: Incorrect word usage in the part designation "Part II. Adoption Proceeding," immediately preceding § 5–3B–12 of the Family Law Article.

Occurred: Ch. 464, Acts of 2005.

Part IV. Prohibited **[**Act**]** **ACTS**.

5–3B–32.

(a) Except as otherwise provided by law, a person may not charge or receive, from or for a parent or prospective adoptive parent, any compensation for a service in connection with:

(1) placement of an individual to live with a preadoptive family; or

(2) an agreement for custody in contemplation of adoption.

DRAFTER'S NOTE:

Error: Incorrect word usage in the part designation "Part IV. Prohibited Act," immediately preceding § 5–3B–32 of the Family Law Article.

Occurred: Ch. 464, Acts of 2005.

14–305.

Based on the investigation under this subtitle, the local department shall:

(3) report to the appropriate local law enforcement agency any incident of abuse, neglect, or exploitation of an alleged vulnerable adult where the possibility of a crime being committed against the alleged vulnerable **[**person**]** **ADULT** is indicated by information provided in the initial report to the local department or by information obtained in the course of investigation; and

DRAFTER'S NOTE:

Error: Misnomer in § 14–305(3) of the Family Law Article.

Occurred: Ch. 243, Acts of 1987. Note: the term "vulnerable adult" is defined for Title 14 of the Family Law Article in § 14–101 of that article.

14–307.

(a) If after the investigation under this subtitle the director determines that the individual requires protective services, with the individual's **[**consent**]** **CONSENT,** the director shall provide the services.

DRAFTER'S NOTE:

Error: Omitted comma in § 14–307(a) of the Family Law Article.

Occurred: Ch. 148, Acts of 1985.

Article – Health – General

18–901.

(f) (1) "Health care practitioner" has the meaning stated in **[**§ 19–114(f)**]** **§ 19–114(E)** of this article.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 18–901(f)(1) of the Health – General Article.

Occurred: As a result of Ch. 565, Acts of 2001.

18–1001.

As funds are available, the Department shall:

(4) Solicit funding from the private sector and units of federal, **[**state**]** **STATE**, and local government for hepatitis B virus and hepatitis C virus outreach;

DRAFTER'S NOTE:

Error: Capitalization error in § 18–1001(4) of the Health – General Article.

Occurred: Chs. 249 and 457, Acts of 2006.

19–1801.

In this subtitle:

(2) "Assisted living program" does not include:

(i) A nursing home, as defined under **[**§ 19–301**]** **§ 19–1401** of this title;

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 19–1801(2)(i) of the Health – General Article.

Occurred: Ch. 147, Acts of 1996.

20–111.

(b) A person may not use sperm or eggs from a known donor **AFTER THE DONOR'S DEATH** for the purpose of assisted reproduction, if:

(1) The person knows that the known donor died and did not give consent for the posthumous use of the sperm or eggs; or

(2) The donor or the individual who intends to become a parent through the use of the sperm or eggs receives any remuneration for the donation or use of the sperm or eggs.

DRAFTER'S NOTE:

Error: Omitted language in § 20–111(b) of the Health – General Article.

Occurred: Ch. 649, Acts of 2011, as a result of the incorrect merging of two separately adopted amendments into the bill in preparing the third reader version of the bill. Correction suggested by the Attorney General in the Bill Review Letter for H.B. 101(Ch. 649) of 2012, dated May 8, 2012, as being necessary to accurately express the clear legislative intent.

21–2A–01.

(g) "Opioid maintenance program" means a program that:

(1) Is **[**licensed**]** **CERTIFIED** by the State under § 8–404 of this article;

DRAFTER'S NOTE:

Error: Incorrect word usage in § 21–2A–01(g)(1) of the Health – General Article.

Occurred: Ch. 166, Acts of 2011.

Article – Health Occupations

8–6A–05.

(c) (3) An applicant for certification as a certified medicine aide, in addition to the requirements under **PARAGRAPH (1) OF THIS** subsection **[**(c)(1) of this section**]**, shall submit an additional application to that effect to the Board on the form that the Board requires.

DRAFTER'S NOTE:

Error: Stylistic error in § 8–6A–05(c)(3) of the Health Occupations Article.

Occurred: Ch. 393, Acts of 1998, which originally enacted the error in § 8–6A–05(c)(2) of the Health Occupations Article.

9–314.2.

(b) (2) A nursing home or nursing home management firm may hire or retain as a consultant an individual who **SURRENDERED A LICENSE OR** had a license revoked under this subtitle, but had the license restored by the Board, and who is now a licensee in good standing under the provisions of this title.

DRAFTER'S NOTE:

Error: Omitted language in § 9–314.2(b)(2) of the Health Occupations Article.

Occurred: Chs. 726 and 727, Acts of 2012. Correction recommended by the Attorney General in a follow–up Bill Review Letter for S.B. 737 (Ch. 726)/H.B. 1118 (Ch. 727) of 2012, dated May 22, 2012.

12–407.

(e) If application for renewal is not made on or before **[**December 1**]** **MAY 1**, the pharmacy permit shall expire on the last day of its term and the Board may not reinstate the pharmacy permit unless the applicant:

(1) Provides reason, sufficient to the Board, for the failure to file within the time required; and

(2) Pays, in addition to the renewal fee, a late fee set by the Board.

DRAFTER'S NOTE:

Error: Erroneous date in § 12–407(e) of the Health Occupations Article.

Occurred: Ch. 658, Acts of 2012. Ch. 658, sunset legislation continuing the State Board of Pharmacy, altered the date for the expiration of pharmacy permits and the date by which notice of expiration must be sent to permit holders. However, Ch. 658 failed to make a conforming change to the date by which applications for permit renewal must be made. This conforming correction is consistent with the intent of the other date changes. Correction suggested by the State Board of Pharmacy.

14–5B–05.

(a) There is a Radiation Therapy, Radiography, Nuclear Medicine Technology **[**Advisory**]**, and Radiology Assistance **ADVISORY** Committee within the Board.

DRAFTER'S NOTE:

Error: Misnomer in § 14–5B–05(a) of the Health Occupations Article.

Occurred: Ch. 328, Acts of 2008.

Article – Insurance

31–103.

(a) The Exchange is subject to:

(2) the following provisions of the State Government Article:

(i) Title 10, Subtitle 1 **[**(Governmental Procedures)**] (ADMINISTRATIVE PROCEDURE ACT – REGULATIONS)**;

DRAFTER'S NOTE:

Error: Erroneous subtitle designation in § 31–103(a)(2)(i) of the Insurance Article.

Occurred: Chs. 1 and 2, Acts of 2011.

31–113.

(m) (3) (i) Subject to the contested case hearing provisions of Title 10, Subtitle 2 of the State Government Article, the Exchange may suspend, revoke, or refuse to renew an authorization for good cause, which shall include a finding that the insurance producer holding the authorization has committed any act described in subsection **[**(m)(1)**] (L)(1)** of this section with respect to the authorization.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 31–113(m)(3)(i) of the Insurance Article.

Occurred: Ch. 152, Acts of 2012.

Article – Labor and Employment

9–206.

(b) An individual who otherwise would be a covered employee under this section may elect to be exempt from coverage if:

(5) the individual:

(i) is a member of a limited liability company, as defined in § **[**4A–101(l)**] 4A–101(K)** of the Corporations and Associations Article; and

(ii) owns at least 20% of the outstanding interests in profits of the limited liability company.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 9–206(b)(5) of the Labor and Employment Article.

Occurred: As a result of Ch. 611, Acts of 2010.

Article – Land Use

1–501.

[(a)**]** In this **[**subtitle the following words have the meanings indicated.

(b) "Planning**] SUBTITLE, "PLANNING** board"**:**

(1) means a planning board established under this **[**article.**] ARTICLE; AND**

[(c)**] (2) [**"Planning board"**]** includes a planning commission or board established under **DIVISION II OF THIS ARTICLE OR** Article 25A **[**or Article 28**]** of the Code.

DRAFTER'S NOTE:

Error: Stylistic error (tabulation) and erroneous cross–reference in § 1–501 of the Land Use Article.

Occurred: Ch. 149, Acts of 2012. Correction by the publisher of the Annotated Code in the 2012 Volume of the Land Use Article is ratified by this Act.

1–507.

(a) If the Department of Planning comments under **[**§ 5–105**] § 1–505** of this subtitle on any of the tiers or on an area within one of the tiers, the local legislative body or the planning board shall hold at least one public hearing on the comments by the Department of Planning.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 1–507(a) of the Land Use Article.

Occurred: Ch. 149, Acts of 2012. Correction by the publisher of the Annotated Code in the 2012 Volume of the Land Use Article is ratified by this Act.

1–509.

(a) A local jurisdiction that adopts growth tiers shall incorporate the tiers into the comprehensive plan or an element of the plan:

(1) when the local jurisdiction conducts the 6–year review of the plan under **[**§§ 1–416(a) and 3–301(a)**] § 1–416(A) OR § 3–301(A)** of this article; and

DRAFTER'S NOTE:

Error: Stylistic error in § 1–509(a)(1) of the Land Use Article.

Occurred: Ch. 149, Acts of 2012. Correction by the publisher of the Annotated Code in the 2012 Volume of the Land Use Article is ratified by this Act.

5–104.

(e) The review of a residential major subdivision by the planning board shall include:

(1) the cost of providing local governmental services to the residential major subdivision unless a local jurisdiction's adequate public facilities **[**ordinance**]** **LAW** already requires a review of government services; and

DRAFTER'S NOTE:

Error: Incorrect word usage in § 5–104(e)(1) of the Land Use Article.

Occurred: Ch. 149, Acts of 2012. Correction by the publisher of the Annotated Code in the 2012 Volume of the Land Use Article is ratified by this Act.

18–207.

(d) The Commission may:

(2) issue the bonds in serial maturity form or with a single fixed date **[**or**]** **OF** maturity;

DRAFTER'S NOTE:

Error: Misspelling in § 18–207(d)(2) of the Land Use Article.

Occurred: Ch. 426, Acts of 2012. Correction by the publisher of the Annotated Code in the 2012 Volume of the Land Use Article is ratified by this Act.

Article – Natural Resources

4–1017.

(c) A person may possess oysters caught from the natural oyster bars of the State until one week past the close of the season for taking oysters as established in § 4–1008.1 of this subtitle. Oysters may be caught by dredge or handscrape at any time in Worcester County and may be shipped in the shell at any time within or from that county. In counties where oysters may be caught from leased areas at any time

pursuant to the provisions of Subtitle **[**11**]** **11A OF THIS TITLE**, a person may possess oysters at any time.

DRAFTER'S NOTE:

Error: Erroneous cross–reference; stylistic error in § 4–1017(c) of the Natural Resources Article.

Occurred: As a result of Ch. 534, Acts of 1988, which redesignated provisions of Title 4, Subtitle 11 of the Natural Resources Article to be under Title 4, Subtitle 11A of the Natural Resources Article; Ch. 4, Acts of the First Special Session of 1973.

4–11B–01.

(b) The Seafood Marketing and Aquaculture Development Program and Division of Market Development shall be part of the Department **[**of Agriculture**]**.

DRAFTER'S NOTE:

Error: Obsolete reference in § 4–11B–01(b) of the Natural Resources Article.

Occurred: As a result Ch. 411, Acts of 2011, which transferred the Seafood Marketing and Aquaculture Development Program and Division of Market Development from the Department of Agriculture to the Department of Natural Resources (referred to as the "Department", using the defined term applicable to Title 4 of the Natural Resources Article). Correction suggested by Assistant Attorney General Kathryn M. Rowe, Office of the Counsel to the General Assembly, in a memo dated May 23, 2012.

Article – Public Utilities

10–104.

(d) (2) On or after July 1, 2002, an individual applying for a taxicab license or renewal of a taxicab **[**license,**]** **LICENSE** shall submit proof of having successfully completed a course approved by the Commission that includes in the curriculum:

(i) courteous treatment of passengers;

(ii) geography and map reading for the jurisdiction in which the taxicab services will be provided; and

(iii) tourist information for the jurisdiction in which taxicab services will be provided.

DRAFTER'S NOTE:

Error: Extraneous comma in § 10–104(d)(2) of the Public Utilities Article.

Occurred: Ch. 539, Acts of 2000.

Article – Real Property

11–125.

(f) (4) By majority vote, the board of directors may settle an eminent domain proceeding or grant to the State or any county, municipality, or agency or instrumentality thereof with condemnation authority, perpetual easements, rights–of–way, licenses, leases in excess of 1 year, or similar interests affecting the common elements of the condominium for road, highway, sidewalk, bikeway, storm drain, sewer, water, utility, and similar public purposes. These actions by the board of directors are subject to the following requirements:

(i) The action shall be taken at a meeting of the board held after at least **[**60 days'**] 60–DAYS'** notice to all unit owners and all first mortgagees listed with the condominium;

DRAFTER'S NOTE:

Error: Omitted hyphen in § 11–125(f)(4)(i) of the Real Property Article.

Occurred: Ch. 658, Acts of 1999.

Article – State Finance and Procurement

5A–303.

(a) (16) **[**"Qualified rehabilitation expenditure" means any amount that:

(i) is properly chargeable to a capital account;

(ii) is expended in the rehabilitation of a structure that by the end of the calendar year in which the certified rehabilitation is completed is a certified historic structure or a qualified rehabilitated structure;

(iii) is expended in compliance with a plan of proposed rehabilitation that has been approved by the Director; and

(iv) is not funded, financed, or otherwise reimbursed by any:

1. State or local grant;

2. grant made from the proceeds of tax–exempt bonds issued by the State, a political subdivision of the State, or an instrumentality of the State or of a political subdivision of the State;

3. State tax credit other than the tax credit under this section; or

4. other financial assistance from the State or a political subdivision of the State, other than a loan that must be repaid at an interest rate that is greater than the interest rate on general obligation bonds issued by the State at the most recent bond sale prior to the time the loan is made.

(17)**]** (i) "Qualified rehabilitated structure" means a building, other than a single–family, owner–occupied residence, that:

1. A. is located in a Main Street Maryland community; or

B. beginning in fiscal 2012, is located in a Main Street Maryland community or a sustainable community;

2. will be substantially rehabilitated; and

3. meets the requirements set forth in subsection (b)(7) of this section.

(ii) "Qualified rehabilitated structure" does not include a certified historic structure.

(17) "QUALIFIED REHABILITATION EXPENDITURE" MEANS ANY AMOUNT THAT:

(I) IS PROPERLY CHARGEABLE TO A CAPITAL ACCOUNT;

(II) IS EXPENDED IN THE REHABILITATION OF A STRUCTURE THAT BY THE END OF THE CALENDAR YEAR IN WHICH THE CERTIFIED REHABILITATION IS COMPLETED IS A CERTIFIED HISTORIC STRUCTURE OR A QUALIFIED REHABILITATED STRUCTURE;

(III) IS EXPENDED IN COMPLIANCE WITH A PLAN OF PROPOSED REHABILITATION THAT HAS BEEN APPROVED BY THE DIRECTOR; AND

(IV) IS NOT FUNDED, FINANCED, OR OTHERWISE REIMBURSED BY ANY:

1. STATE OR LOCAL GRANT;

2. GRANT MADE FROM THE PROCEEDS OF TAX–EXEMPT BONDS ISSUED BY THE STATE, A POLITICAL SUBDIVISION OF THE STATE, OR AN INSTRUMENTALITY OF THE STATE OR OF A POLITICAL SUBDIVISION OF THE STATE;

3. STATE TAX CREDIT OTHER THAN THE TAX CREDIT UNDER THIS SECTION; OR

4. OTHER FINANCIAL ASSISTANCE FROM THE STATE OR A POLITICAL SUBDIVISION OF THE STATE, OTHER THAN A LOAN THAT MUST BE REPAID AT AN INTEREST RATE THAT IS GREATER THAN THE INTEREST RATE ON GENERAL OBLIGATION BONDS ISSUED BY THE STATE AT THE MOST RECENT BOND SALE PRIOR TO THE TIME THE LOAN IS MADE.

(b) (1) The Director, in consultation with the Smart Growth Subcabinet, shall adopt regulations to:

(iii) for commercial rehabilitations, establish criteria, consistent with the requirements of this subsection, for evaluating, comparing, and rating plans of proposed rehabilitation that have been determined by the Director:

1. for certified historic structures, to conform with the rehabilitation standards of the United States Secretary of the Interior; **AND**

2. for rehabilitations of the exteriors of qualified rehabilitated structures, to be compatible with the rehabilitation standards of the United States Secretary of the Interior if the structure is located in, or adversely affects:

A. a designated historic district; or

B. a district determined by the Director to be eligible for listing on the National Register of Historic Places; and

DRAFTER'S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 5A–303(a)(16) and (17) and omitted conjunction in § 5A–303(b)(1)(iii) of the State Finance and Procurement Article.

Occurred: Ch. 487, Acts of 2010.

6–222.

(a) The Treasurer may invest or reinvest unexpended or surplus money over which the Treasurer has custody in:

(5) with respect to amounts treated by the Internal Revenue Service as bond sale proceeds only, bonds, notes, or other obligations of investment grade in the highest quality letter and numerical rating by at least one nationally recognized statistical rating organization as designated by the United States Securities and Exchange Commission issued by or on behalf of this or any other state or any agency, department, county, municipal or public corporation, special district, authority, or political subdivision thereof, or in any fund or trust that invests only in securities of the type described in this **[**paragraph**]** **ITEM**;

DRAFTER'S NOTE:

Error: Stylistic error in § 6–222(a)(5) of the State Finance and Procurement Article.

Occurred: Ch. 11, Acts of 1985.

12–111.

(a) (3) (ii) "Services" includes:

1. construction–related services;

2. architectural services;

3. engineering services; **[**or**]** **AND**

4. energy performance contract services.

DRAFTER'S NOTE:

Error: Erroneous conjunction in § 12–111(a)(3)(ii) of the State Finance and Procurement Article.

Occurred: Chs. 559 and 560, Acts of 2012.

12–301.

(b) (1) Notwithstanding any other provision of law and subject to the approval and control of the Board of Public Works, a primary procurement unit of State government is authorized to enter into energy performance contracts of up to 15 **[**years**]** **YEARS'** duration.

DRAFTER'S NOTE:

Error: Omitted apostrophe in § 12–301(b)(1) of the State Finance and Procurement Article.

Occurred: Ch. 477, Acts of 1993.

Article – State Government

9–1A–06.

(d) For a period of 1 year after the individual's service on the State Lottery **AND GAMING CONTROL** Commission or the Video Lottery Facility Location Commission ends, a licensee may not employ, or enter into a financial relationship with, an individual who has been a member of the State Lottery **AND GAMING CONTROL** Commission or the Video Lottery Facility Location Commission.

DRAFTER'S NOTE:

Error: Misnomer in § 9–1A–06(d) of the State Government Article.

Occurred: Ch. 1, Acts of the Second Special Session of 2012.

10–617.

(b) (4) Except for paragraph (2)(iii) of this subsection, this subsection does not apply to:

(ii) an assisted living **[**facility**]** **PROGRAM** as defined in § 19–1801 of the Health – General Article.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 10–617(b)(4)(ii) of the State Government Article.

Occurred: Ch. 412, Acts of 2006.

Article – Tax – General

1–305.

On or before June 30 of the year before the evaluation date of a tax credit, each evaluation committee for that tax credit shall:

(1) consult with:

(i) the Department of Budget and Management;

(ii) the Department of Legislative Services;

(iii) the Comptroller; and

(iv) **[**the Secretary, or the Secretary's designee, of**]** the department that administers the tax credit under evaluation; and

(2) prepare a plan for the evaluation.

DRAFTER'S NOTE:

Error: Extraneous language in § 1–305 of the Tax – General Article.

Occurred: Chs. 568 and 569, Acts of 2012. Correction recommended by the Attorney General in the Bill Review Letter for S.B. 739(Ch. 568)/H.B. 764(Ch. 569) of 2012 (footnote 13), dated April 26, 2012. The letter notes that the Department of Assessments and Taxation, which administers many tax credits that are subject to § 1–305 of the Tax– General Article, is headed by a "Director" not a "Secretary".

2–202.

(b) From the revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars in Calvert County under § **[**4–102(d)**] 4–102(E)** of this article, the Comptroller shall distribute:

(1) for fiscal year 2013, the revenue attributable to a tax rate of 8%:

(i) $100,000 to the Boys and Girls Club of the Town of North Beach; and

(ii) the remainder to the Calvert County Youth Recreational Opportunities Fund under Title 5, Subtitle 19 of the Natural Resources Article that may only be used for a project approved by the Secretary of Natural Resources that increases youth recreational opportunities in the county;

(2) for fiscal years 2014 through 2016, from:

(i) the revenue attributable to a tax rate of 1.5%:

1. $100,000 to the Boys and Girls Club of the Town of North Beach; and

2. the remainder to the Town of North Beach;

(ii) the revenue attributable to a tax rate of 2.5% to the Town of Chesapeake Beach; and

(iii) the revenue attributable to a tax rate of 4% to the Calvert County Youth Recreational Opportunities Fund under Title 5, Subtitle 19 of the Natural Resources Article; and

(3) for fiscal year 2017 and each fiscal year thereafter, from:

(i) the revenue attributable to a tax rate of 1.5%:

1. $100,000 to the Boys and Girls Club of the Town of North Beach; and

2. the remainder to the Town of North Beach;

(ii) the revenue attributable to a tax rate of 2.5% to the Town of Chesapeake Beach; and

(iii) the revenue attributable to a tax rate of 4% to the Calvert County Board of Education for school renovation and renewal projects that may not be used to supplant county funds for public school construction.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 2–202(b) of the Tax – General Article.

Occurred: Ch. 603, Acts of 2012. Correction by the publisher of the Annotated Code in the 2012 Supplement of the Tax – General Article is ratified by this Act.

4–105.

(a–1) (1) Except as provided in paragraphs (2) and (3) of this subsection, the rate of the State admissions and amusement tax imposed on electronic bingo or electronic tip jars under § **[**4–102(d)**] 4–102(E)** of this subtitle is 30% of the net proceeds subject to the tax.

(2) The rate of the State admissions and amusement tax imposed on electronic bingo or electronic tip jars in Calvert County under § **[**4–102(d)**] 4–102(E)** of this subtitle is 33% of the net proceeds subject to the tax.

(3) If net proceeds subject to the State admissions and amusement tax imposed on electronic bingo or electronic tip jars under § **[**4–102(d)**] 4–102(E)** of this subtitle are also subject to an admissions and amusement tax imposed by a county or a municipal corporation under this subtitle:

(i) the rate of the State tax may not exceed a rate that, when combined with the rate of any county or municipal corporation tax, will exceed 35% of the net proceeds; and

(ii) the rate of any county or municipal corporation admissions and amusement tax that is applicable to net proceeds derived from electronic bingo or electronic tip jars may not exceed the rate of the admissions and amusement tax imposed by the county or municipal corporation as of January 1, 2009.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 4–105(a–1) of the Tax – General Article.

Occurred: Ch. 603, Acts of 2012. Correction by the publisher of the Annotated Code in the 2012 Supplement of the Tax – General Article is ratified by this Act.

Article – Tax – Property

7–208.

(a) (4) "Surviving spouse" means **[**a surviving spouse,**]** **AN INDIVIDUAL** who has not remarried **AND WHO**:

(i) **IS THE SURVIVING SPOUSE** of a disabled veteran;

(ii) **IS THE SURVIVING SPOUSE** of an individual who died in the line of duty; or

(iii) **[**who**]** receives Dependency and Indemnity Compensation from the United States Department of Veterans Affairs.

DRAFTER'S NOTE:

Error: Misplaced language in § 7–208(a)(4) of the Tax – Property Article.

Occurred: Ch. 296, Acts of 2006.

12–117.

(c) (5) The recordation tax is not imposed on the transfer of a controlling interest in a real property entity if the transferee of the controlling interest in the real property entity is:

(i) a nonstock corporation organized under Title 5, Subtitle 2 of the Corporations and Associations Article; and

(ii) registered with the Department of Aging as a continuing care retirement community under **[**Article 70B, § 9 of the Code**]** **§ 10–408 OF THE HUMAN SERVICES ARTICLE**.

DRAFTER'S NOTE:

Error: Obsolete cross–reference in § 12–117(c)(5) of the Tax – Property Article.

Occurred: As a result of Ch. 3, Acts of 2007.

Article – Transportation

8–701.

(d) "On premise outdoor sign" means any outdoor sign that, regardless of content, is designed, intended, or used to advertise or inform the traveling public of:

(1) The sale or lease of the property on which it is located;

(2) The sale or lease of a product grown, produced, or manufactured on the property on which it is located; **[**or**]**

(3) THE SALE OR LEASE OF A SERVICE PERFORMED ON THE PROPERTY ON WHICH IT IS LOCATED; OR

[(3)**]** **(4)** The name of the owner, agent, assignee, or lessee of the property on which it is located.

DRAFTER'S NOTE:

Error: Omitted statutory text in § 8–701(d) of the Transportation Article.

Occurred: Ch. 625, Acts of 1975. Ch. 625 (S.B. 1011) of 1975 made technical changes to former Art. 89B, § 251, including renumbering subsection "(h)," which contained the definition of the term "on premise outdoor sign". While the legislative history does not indicate any intent to amend any language in the text of former subsection (h) other than the renumbering, in preparing the First Reading File Bill of S.B. 1011, the phrase "or service performed therein or thereon" was inadvertently omitted. The error was repeated in the Third Reading File Bill, the published Chapter Law, and the 1975 Supplement to the Annotated Code. When former Art. 89B, § 251 was subsequently revised without substantive change as part of a new Transportation Article (*see*, Ch. 13, Acts of 1977), the omission was repeated and has remained uncorrected since that time. This correction restores the inadvertently omitted language and makes stylistic corrections. Correction originally suggested by Judge Lawrence F. Rodowsky, MD Court of Appeals (retired), in a letter, dated March 7, 2012, to Daniel Friedman, Assistant Attorney General and Counsel to the General Assembly.

11–127.2.

(a) "Lease intended as security" means a lease of a vehicle by an individual primarily for personal, family, or household purposes for more than 180 consecutive days, including renewal periods, in which:

(2) Under the terms of the purchase option, the lessee becomes or has the option to become the owner of the vehicle for:

(ii) 1. In the case of a new vehicle, a nominal consideration of:

A. 20 percent or less of the **[**"value at consummation" of the vehicle as that term is defined in 12 C.F.R. § 213.2(a)(18)**] COST TO THE LESSOR OF THE LEASED PROPERTY INCLUDING, IF APPLICABLE, ANY INCREASE OR MARKUP BY THE LESSOR PRIOR TO CONSUMMATION**; or

(b) "Lease not intended as security" means a lease of a vehicle by an individual primarily for personal, family, or household purposes for more than 180 consecutive days, including renewal periods, in which:

(2) The lessee is provided the option to purchase the leased vehicle for:

(i) In the case of a new vehicle, a consideration in excess of:

1. 20 percent of the **[**"value at consummation" of the vehicle as that term is defined in 12 C.F.R. § 213.2(a)(18)**] COST TO THE LESSOR OF THE LEASED PROPERTY INCLUDING, IF APPLICABLE, ANY INCREASE OR MARKUP BY THE LESSOR PRIOR TO CONSUMMATION**; or

DRAFTER'S NOTE:

Error: Obsolete reference in § 11–127.2(a)(2)(ii)1A and (b)(2)(i)1 of the Transportation Article.

Occurred: As a result of the adoption of a federal rule amending 12 C.F.R. § 213, that became effective October 1, 1997, to repeal the former defined term "value at consummation". The correction substitutes the text of the former definition for the obsolete reference to the defined term.

16–122.

(a) (1) Notwithstanding any other provision of this article, the Administration shall, subject to the provisions of this section, issue or renew an identification card, a moped operator's permit, or a license to drive that is not acceptable by federal agencies for official purposes determined by the Secretary of the United States Department of Homeland Security if an applicant:

(i) 3. Would be otherwise eligible under this article for the issuance or renewal of an identification card under § 12–301 of this article, a moped operator's permit under § 16–104.2 of this subtitle, or a license to drive under this **[**title**]** **SUBTITLE**, but for the unresolved non–match; or

DRAFTER'S NOTE:

Error: Stylistic error in § 16–122(a)(1)(i)3 of the Transportation Article.

Occurred: Ch. 390, Acts of 2009.

16–205.1.

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

(ii) **[**"Under the influence of alcohol" includes under the influence of alcohol per se as defined by § 11–174.1 of this article.

(iii)**]** "Specimen of blood" and "1 specimen of blood" means 1 sample of blood that is taken, in a single procedure, in 2 or more portions in 2 or more separate vials.

[(iv)**]** **(III)** "Test" means, unless the context requires otherwise:

1. A test of a person's breath or of 1 specimen of a person's blood to determine alcohol concentration;

2. A test or tests of 1 specimen of a person's blood to determine the drug or controlled dangerous substance content of the person's blood; or

3. Both:

A. A test of a person's breath or a test of 1 specimen of a person's blood, to determine alcohol concentration; and

B. A test or tests of 1 specimen of a person's blood to determine the drug or controlled dangerous substance content of the person's blood.

(IV) "UNDER THE INFLUENCE OF ALCOHOL" INCLUDES UNDER THE INFLUENCE OF ALCOHOL PER SE AS DEFINED BY § 11–174.1 OF THIS ARTICLE.

DRAFTER'S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 16–205.1(a)(1) of the Transportation Article.

Occurred: Chs. 4 and 5, Acts of 2001. Correction by the publisher of the Annotated Code in the 2012 Replacement Volume of the Transportation Article is ratified by this Act.

24–111.3.

(b) (3) Before activating a vehicle height monitoring system, Baltimore City shall:

(i) Publish notice of the location of the vehicle height monitoring system on its Web site and in a newspaper of general circulation in the jurisdiction; **AND**

(ii) Ensure that all signs stating restrictions on the presence of certain vehicles during certain times approaching and within the segment of highway on which the vehicle height monitoring system is located include signs that:

1. Are in accordance with the manual and specifications for a uniform system of traffic control devices adopted by the State Highway Administration under § 25–104 of this article; and

2. Indicate that a vehicle height monitoring system is in use.

DRAFTER'S NOTE:

Error: Omitted conjunction in § 24–111.3(b)(3) of the Transportation Article.

Occurred: Chs. 375 and 376, Acts of 2012. Correction by the publisher of the Annotated Code in the 2012 Replacement Volume of the Transportation Article is ratified by this Act.

26–404.

(d) Any surety company may become surety for persons posting guaranteed arrest bond **[**certificates,**]** **CERTIFICATES** by filing an undertaking to become surety with the Insurance Administration.

DRAFTER'S NOTE:

Error: Extraneous comma in § 26–404(d) of the Transportation Article.

Occurred: Ch. 14, § 2, Acts of 1977.

Chapter 545 of the Acts of 2012

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2012, and shall be applicable to all taxable years beginning after December 31, 2012, but before January 1, 2014. It shall remain effective for a period of 2 years and, at the end of June 30, 2014, with no further action required by the General Assembly, **SECTION 2 OF** this Act shall be abrogated and of no further force and effect.

DRAFTER'S NOTE:

Error: Omitted language in Ch. 545, § 3, Acts of 2012.

Occurred: Ch. 545, § 3, Acts of 2012.

Chapter 570 of the Acts of 2012

SECTION 7. AND BE IT FURTHER ENACTED, That:

(e) If the study concludes that the fair value is $50,000,000 or more:

(2) the Chesapeake Employers' Insurance Company shall owe a debt to the General Fund in an amount equal to:

(ii) 1. the $50,000,000 which is **[**required**]** **AUTHORIZED** to be transferred from the Fund to the General Fund under **[**Chapter__(S.B. 152/H.B. 87)**]** **CHAPTER 1** of the Acts of the General Assembly of **THE FIRST SPECIAL SESSION OF** 2012; and

DRAFTER'S NOTE:

Error: Erroneous terminology and reference in Ch. 570, § 7(e)(2)(ii)1, Acts of 2012.

Occurred: As a result of the failure of S.B. 152/H.B. 87 of 2012 and the subsequent enactment of Ch. 1, § 7(1), Acts of the First Special Session of 2012.

SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act are intended solely to correct technical errors in the law and there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, subject to the approval of the Department of Legislative Services, shall make any changes in the text of the Annotated Code necessary to effectuate any termination provision that was enacted by the General Assembly and has taken effect or will take effect prior to October 1, 2013. Any enactment of the 2013 Session of the General Assembly that negates or extends the effect of a previously enacted termination provision shall prevail over the provisions of this section.

SECTION 5. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor's note following the section affected.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved:

_____

Governor.

_____

President of the Senate.

_____

Speaker of the House of Delegates.