

# SENATE BILL 451

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2lr1684

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By: ~~Senator Smith~~ **Senators Smith and Lee**  
Introduced and read first time: January 27, 2022  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 22, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Unlawful Employment Practice – Statute of Limitations – Tolling**

3 FOR the purpose of tolling the period of time during which a complainant may file a civil  
4 action that alleges an unlawful employment practice while an administrative charge  
5 is pending; and generally relating to the statute of limitations for unlawful  
6 employment practices.

7 BY repealing and reenacting, with amendments,  
8 Article – State Government  
9 Section 20–1013  
10 Annotated Code of Maryland  
11 (2021 Replacement Volume)

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

14 **Article – State Government**

15 20–1013.

16 (a) **(1)** In addition to the right to make an election under § 20–1007 of this  
17 subtitle, a complainant may bring a civil action against the respondent alleging an unlawful  
18 employment practice, if:

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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.



1            [(1)] (I) the complainant initially filed a timely administrative charge or  
2 a complaint under federal, State, or local law alleging an unlawful employment practice by  
3 the respondent;

4            [(2)] (II) at least 180 days have elapsed since the filing of the  
5 administrative charge or complaint; and

6            [(3)] (i) (III) 1. [except as provided in] **SUBJECT TO** item [(ii)] 2 of  
7 this [paragraph] **ITEM**, the civil action is filed within 2 years after the alleged unlawful  
8 employment practice occurred; or

9            [(ii)] 2. if the complaint is alleging harassment, the civil action is  
10 filed within 3 years after the alleged harassment occurred.

11            **(2) THE TIME LIMITATIONS UNDER PARAGRAPH (1)(III) OF THIS**  
12 **SUBSECTION SHALL BE TOLLED WHILE AN ADMINISTRATIVE CHARGE OR**  
13 **COMPLAINT FILED BY THE COMPLAINANT UNDER PARAGRAPH (1)(II) IS PENDING.**

14            (b) A civil action under this section shall be filed in the circuit court for the county  
15 where the alleged unlawful employment practice occurred.

16            (c) The filing of a civil action under this section automatically terminates any  
17 proceeding before the Commission based on the underlying administrative complaint and  
18 any amendment to the complaint.

19            (d) If the court finds that an unlawful employment practice occurred, the court  
20 may provide the remedies specified in § 20–1009(b) of this subtitle.

21            (e) (1) In addition to the relief authorized under subsection (d) of this section,  
22 the court may award punitive damages, if:

23                    (i) the respondent is not a governmental unit or political  
24 subdivision; and

25                    (ii) the court finds that the respondent has engaged in or is engaging  
26 in an unlawful employment practice with actual malice.

27            (2) If the court awards punitive damages, the sum of the amount of  
28 compensatory damages awarded to each complainant under subsection (d) of this section  
29 and the amount of punitive damages awarded under this subsection may not exceed the  
30 applicable limitation established under § 20–1009(b)(3) of this subtitle.

31            (f) If a complainant seeks compensatory or punitive damages under this section:

32                    (1) any party may demand a trial by jury; and

1           (2)    the court may not inform the jury of the limitations on compensatory  
2 and punitive damages imposed under § 20–1009(b)(3) of this subtitle.

3           (g)    When appropriate and to the extent authorized under law, in a dispute arising  
4 under this part, in which the complainant seeks compensatory or punitive damages, the  
5 parties are encouraged to use alternative means of dispute resolution, including settlement  
6 negotiations or mediation.

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2022.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.