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

Introduced and read first time: January 29, 1997

Assigned to: Commerce and Government Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 1997

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

1 AN ACT concerning

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

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

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

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

**15 Article - Transportation**

16 8-646.

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

- 19 (1) Make an opening in any State highway;
- 20 (2) Place any structure on any State highway;
- 21 (3) Change or renew any structure placed on any State highway;

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1 (4) Dig up any State highway for any purpose, including the placement of  
2 pipes, sewers, poles, wires, or rails;

3 (5) Plant or remove any tree on any State highway; or

4 (6) Place any obstruction OR IMPROVEMENT on any State highway.

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

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

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

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

16 (II) THE ADMINISTRATION SHALL REQUIRE A NONGOVERNMENT  
17 APPLICANT FOR A PERMIT ISSUED UNDER THIS SUBSECTION ~~WHO IS A PRIMARY~~  
18 ~~CONTRACTOR~~ TO SUBMIT A PAYMENT BOND, LETTER OF CREDIT, OR OTHER  
19 SURETY ACCEPTABLE TO THE ADMINISTRATION IF:

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

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

24 3. THE ENTIRE IMPROVEMENT IS LOCATED OUTSIDE THE  
25 APPLICANT'S PROPERTY.

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

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