

SENATE BILL 80
EMERGENCY BILL

Unofficial Copy
P5

1999 Regular Session
9r0243

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

Introduced and read first time: January 14, 1999

Assigned to: Rules

A BILL ENTITLED

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

14 BY repealing and reenacting, with amendments,
15 Article 2B - Alcoholic Beverages
16 Section 2-101(d), 6-201(r)(11), 6-301(o)(1), 6-601(d), 8-202(d)(7), 8-222(a)(3),
17 8-402(f), 8-404.1(g), 15-101(r)(2), 15-103(d)(7), 15-107.1(d)(4) and (6) and
18 (f), 15-112(d)(13), and 20-101(c) and (d)(1)
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 1998 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article 2B - Alcoholic Beverages
23 Section 2-101(c), 6-201(x)(2), 8-202(d)(9), and 12-222(f)(1)
24 Annotated Code of Maryland
25 (1998 Replacement Volume and 1998 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article 23A - Corporations - Municipal
28 Section 2B(b)(4)
29 Annotated Code of Maryland
30 (1998 Replacement Volume and 1998 Supplement)

- 1 BY repealing and reenacting, without amendments,
2 Article 27 - Crimes and Punishments
3 Section 9(a) and 146(a)(2)
4 Annotated Code of Maryland
5 (1996 Replacement Volume and 1998 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article 27 - Crimes and Punishments
8 Section 12A-2(b)(1), 36-I(f)(2), 297(o)(1), 556(a)(1), 594B(g)(14) and (17) and (i),
9 and 773(d)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1998 Supplement)
- 12 BY repealing
13 Article 27 - Crimes and Punishments
14 Section 803
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1998 Supplement)
- 17 BY repealing and reenacting, with amendments,
18 Article 28 - Maryland-National Capital Park and Planning Commission
19 Section 7-121(a)(3) and (4)
20 Annotated Code of Maryland
21 (1997 Replacement Volume and 1998 Supplement)
- 22 BY repealing and reenacting, with amendments,
23 Article 29 - Washington Suburban Sanitary District
24 Section 6-113(c)(1)(ii)3.A.
25 Annotated Code of Maryland
26 (1997 Replacement Volume and 1998 Supplement)
27 (As enacted by Chapter 713 of the Acts of the General Assembly of 1998)
- 28 BY adding to
29 Article 33 - Election Code
30 Section 1-303 and 11-604
31 Annotated Code of Maryland
32 (1997 Replacement Volume and 1998 Supplement)
- 33 BY repealing and reenacting, with amendments,
34 Article 33 - Election Code
35 Section 2-301(b)(1), 3-302(a)(2), 5-504(b), 5-703(c)(3), 8-710(d)(4), and
36 16-902(b)
37 Annotated Code of Maryland

- 1 (1997 Replacement Volume and 1998 Supplement)
- 2 BY repealing and reenacting, without amendments,
3 Article 33 - Election Code
4 Section 7-106(b)(1), 9-106(b)(2), and 13-401(e)
5 Annotated Code of Maryland
6 (1997 Replacement Volume and 1998 Supplement)
- 7 BY repealing
8 Article 41 - Governor - Executive and Administrative Departments
9 Section 10-201 and the subtitle "Subtitle 2. Department of Public Utilities"
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 1998 Supplement)
- 12 BY repealing and reenacting, with amendments,
13 Article 41 - Governor - Executive and Administrative Departments
14 Section 13-103(a), 18-312(a), 18-316(b), and 20-111(a)
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 1998 Supplement)
- 17 BY repealing and reenacting, without amendments,
18 Article 41 - Governor - Executive and Administrative Departments
19 Section 20-109(d)
20 Annotated Code of Maryland
21 (1997 Replacement Volume and 1998 Supplement)
- 22 BY repealing and reenacting, with amendments,
23 Article 48 - Inspections
24 Section 172(a)(7) and 182
25 Annotated Code of Maryland
26 (1998 Replacement Volume)
- 27 BY repealing and reenacting, with amendments,
28 Article 49D - Office for Children, Youth, and Families
29 Section 34(b)(5)
30 Annotated Code of Maryland
31 (1998 Replacement Volume)
- 32 BY repealing and reenacting, with amendments,
33 Article 66B - Zoning and Planning
34 Section 4.05(d)(2)
35 Annotated Code of Maryland
36 (1998 Replacement Volume)

- 1 BY repealing and reenacting, with amendments,
2 Article 83A - Department of Business and Economic Development
3 Section 5-214(a) and 5-1210(a)
4 Annotated Code of Maryland
5 (1998 Replacement Volume)
- 6 BY repealing and reenacting, with amendments,
7 Article 83B - Department of Housing and Community Development
8 Section 2-206(l)(4), 2-208(f), 2-313(a), and 2-1102(d)
9 Annotated Code of Maryland
10 (1998 Replacement Volume)
- 11 BY repealing and reenacting, without amendments,
12 Article 83B - Department of Housing and Community Development
13 Section 2-313(a), 2-606, 2-607, and 2-611(b) and (f)
14 Annotated Code of Maryland
15 (1998 Replacement Volume)
- 16 BY repealing and reenacting, without amendments,
17 Article 88A - Department of Human Resources
18 Section 6A(c)(1), 52(g), and 54(c)(1)
19 Annotated Code of Maryland
20 (1998 Replacement Volume)
- 21 BY repealing and reenacting, with amendments,
22 Article 88B - Department of State Police
23 Section 34A(c) and 34B
24 Annotated Code of Maryland
25 (1998 Replacement Volume)
- 26 BY repealing and reenacting, without amendments,
27 Article 88B - Department of State Police
28 Section 77(e)(2)
29 Annotated Code of Maryland
30 (1998 Replacement Volume)
- 31 BY repealing and reenacting, with amendments,
32 Article - Agriculture
33 Section 2-708.2(c)(1), 4-201(b) and (a-1), 5-109(c), 5-110(a), 8-704.2(e), and
34 9-201(a-1), (a-2), and (a-3)
35 Annotated Code of Maryland
36 (1985 Replacement Volume and 1998 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article - Business Occupations and Professions
3 Section 1-101(e), 10-605.1(b) and (c), 17-531, and 17-532(a), (c)(1), and (d)
4 Annotated Code of Maryland
5 (1995 Replacement Volume and 1998 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article - Business Occupations and Professions
8 Section 4-306(b), 5-314(e), 15-101(g)(1)(vi), 17-530(b)(5), and 20-304(2)
9 Annotated Code of Maryland
10 (1995 Replacement Volume and 1998 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - Business Regulation
13 Section 6-205(c), 6-609(a), 8-101(g)(1), 8-303(d), 8-308(e), and 8-405(f)(2)
14 Annotated Code of Maryland
15 (1998 Replacement Volume)

16 BY repealing and reenacting, without amendments,
17 Article - Business Regulation
18 Section 8-303(f) and 14-113.1(e)(1)
19 Annotated Code of Maryland
20 (1998 Replacement Volume)

21 BY repealing and reenacting, with amendments,
22 Article - Commercial Law
23 Section 12-407.1(b)(1), 12-630(a) and (c), and 13-301(15)
24 Annotated Code of Maryland
25 (1990 Replacement Volume and 1998 Supplement)

26 BY repealing and reenacting, without amendments,
27 Article - Commercial Law
28 Section 15-802(e)
29 Annotated Code of Maryland
30 (1990 Replacement Volume and 1998 Supplement)

31 BY repealing and reenacting, without amendments,
32 Article - Corporations and Associations
33 Section 1-502(e)
34 Annotated Code of Maryland
35 (1993 Replacement Volume and 1998 Supplement)

36 BY repealing and reenacting, with amendments,

1 Article - Corporations and Associations
2 Section 10-805(a)
3 Annotated Code of Maryland
4 (1993 Replacement Volume and 1998 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - Courts and Judicial Proceedings
7 Section 2-601(b), 3-2A-07(a), 3-812.1(a), 3-904(d) and (e), 4-302(a), 5-103(b),
8 5-304(b)(1), 5-413(b), 8-210(b), 9-121(a)(3), and 10-408(h)
9 Annotated Code of Maryland
10 (1998 Replacement Volume)

11 BY repealing and reenacting, without amendments,
12 Article - Courts and Judicial Proceedings
13 Section 2-309(1)(3) and 2-607(a)
14 Annotated Code of Maryland
15 (1998 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article - Education
18 Section 7-303(e), 12-106(a)(1), 13-301(k), 13-303(l), 18-704(a)(4) and (b),
19 18-2001, and 24-504(b)
20 Annotated Code of Maryland
21 (1997 Replacement Volume and 1998 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article - Education
24 Section 13-802(c) and 24-204(c)(2)
25 Annotated Code of Maryland
26 (1997 Replacement Volume and 1998 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article - Environment
29 Section 4-103(c), 9-345(b), 9-350(a), 9-415(d), 9-801(g), and 16-307(a)
30 Annotated Code of Maryland
31 (1996 Replacement Volume and 1998 Supplement)

32 BY repealing
33 Article - Environment
34 Section 5-1108
35 Annotated Code of Maryland
36 (1996 Replacement Volume and 1998 Supplement)

37 BY repealing and reenacting, with amendments,

1 Article - Estates and Trusts
2 Section 2-301(b), 2-302, 9-106(b), 13-602(b), and 13-709(a), (b), (c)(5), (d), (f),
3 and (j)
4 Annotated Code of Maryland
5 (1991 Replacement Volume and 1998 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article - Family Law
8 Section 4-504(b)(1) and 5-525.1(b)(1)
9 Annotated Code of Maryland
10 (1999 Replacement Volume)

11 BY repealing and reenacting, with amendments,
12 Article - Financial Institutions
13 Section 9-609, 11-217(a), and 13-1008.1(c)
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 1998 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article - Financial Institutions
18 Section 9-618 to be under the amended part "Part III. Federally Chartered
19 Conversion to State Chartered"
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 1998 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Health - General
24 Section 4-305(b)(5), 4-307(a) and (h)(2) and (3); the subtitle designation
25 "Subtitle 6. Health Care Decisions Act" immediately preceding Section
26 5-601; and 15-301(f)(4)
27 Annotated Code of Maryland
28 (1994 Replacement Volume and 1998 Supplement)

29 BY repealing and reenacting, without amendments,
30 Article - Health - General
31 Section 5-601(a) and 15-304(b)(3)
32 Annotated Code of Maryland
33 (1994 Replacement Volume and 1998 Supplement)

34 BY repealing and reenacting, with amendments,
35 Article - Health - General
36 Section 19-7A-04(c), 19-1606(c), and 19-1901(b)
37 Annotated Code of Maryland

- 1 (1996 Replacement Volume and 1998 Supplement)
- 2 BY repealing and reenacting, without amendments,
3 Article - Health - General
4 Section 19-706(i)
5 Annotated Code of Maryland
6 (1996 Replacement Volume and 1998 Supplement)
- 7 BY repealing and reenacting, with amendments,
8 Article - Health Occupations
9 Section 3-5A-07(a), 13-316(21), 14-405(a), 14-602(c), and 17-3A-03(a)
10 Annotated Code of Maryland
11 (1994 Replacement Volume and 1998 Supplement)
- 12 BY repealing and reenacting, without amendments,
13 Article - Health Occupations
14 Section 6-205.3(a) and 14-501(a)(5)
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1998 Supplement)
- 17 BY repealing and reenacting, with amendments,
18 Article - Insurance
19 Section 2-112(a)(11)
20 Annotated Code of Maryland
21 (1997 Volume and 1998 Supplement)
- 22 BY repealing and reenacting, without amendments,
23 Article - Insurance
24 Section 15-10B-05(e) and 15-10B-07(a)
25 Annotated Code of Maryland
26 (1997 Volume and 1998 Supplement)
- 27 BY repealing and reenacting, with amendments,
28 Article - Labor and Employment
29 Section 1-101(e) and 8-806(d)
30 Annotated Code of Maryland
31 (1991 Volume and 1998 Supplement)
- 32 BY repealing and reenacting, without amendments,
33 Article - Labor and Employment
34 Section 8-501 to be under the amended subtitle "Subtitle 5. Board of Appeals of
35 Department of Business and Economic Development"
36 Annotated Code of Maryland

- 1 (1991 Volume and 1998 Supplement)
- 2 BY repealing and reenacting, with amendments,
3 Article - Natural Resources
4 Section 3-302(a), 3-904(f), 4-406(a), 4-701(k)(3), 4-701.1(g)(1), 4-1033(c), and
5 5-209(e)
6 Annotated Code of Maryland
7 (1997 Replacement Volume and 1998 Supplement)
- 8 BY repealing and reenacting, with amendments,
9 Article - Natural Resources
10 Section 4-711(h)
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 1998 Supplement)
13 (As enacted by Chapter 289 of the Acts of the General Assembly of 1998)
- 14 BY repealing and reenacting, with amendments,
15 Article - Natural Resources
16 Section 8-716(e) and (g)
17 Annotated Code of Maryland
18 (1990 Replacement Volume and 1998 Supplement)
- 19 BY repealing and reenacting, with amendments,
20 Article - Public Utility Companies
21 Section 2-110(c)(1), 3-103(a)(1) and (c), 5-104(a), 7-206(b)(1), 10-108(a),
22 11-101(g), 13-201(a)(5), and 13-204
23 Annotated Code of Maryland
24 (1998 Volume)
25 (As enacted by Section 2 of Chapter 8 of the Acts of the General Assembly of
26 1998)
- 27 BY repealing and reenacting, with amendments,
28 Article - Public Utility Companies
29 Section 9-303(a)(2)
30 Annotated Code of Maryland
31 (1998 Volume)
- 32 BY repealing and reenacting, without amendments,
33 Article - Public Utility Companies
34 Section 8-101(a)(1) to be under the amended subtitle "Subtitle 1. General
35 Provisions"; and 8-201(a)(1) to be under the amended subtitle "Subtitle 2.
36 Telephone Service"
37 Annotated Code of Maryland
38 (1998 Volume)

1 (As enacted by Section 2 of Chapter 8 of the Acts of the General Assembly of
2 1998)

3 BY repealing and reenacting, with amendments,
4 Article - Real Property
5 Section 11-131(b)
6 Annotated Code of Maryland
7 (1996 Replacement Volume and 1998 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article - State Finance and Procurement
10 Section 8-129
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1998 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article - State Government
15 Section 10-616(q)(4)
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1998 Supplement)

18 BY adding to
19 Article - State Government
20 Section 18-113
21 Annotated Code of Maryland
22 (1995 Replacement Volume and 1998 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article - State Personnel and Pensions
25 Section 23-302(c)(2), 26-202(b)(1), and 31-106.1
26 Annotated Code of Maryland
27 (1997 Replacement Volume and 1998 Supplement)

28 BY repealing and reenacting, without amendments,
29 Article - State Personnel and Pensions
30 Section 23-401(c)(2)
31 Annotated Code of Maryland
32 (1997 Replacement Volume and 1998 Supplement)

33 BY repealing and reenacting, with amendments,
34 Article - Tax - General
35 Section 10-106(a)(1), 10-205(h)(3), and 10-710(b)(2)
36 Annotated Code of Maryland

- 1 (1997 Replacement Volume and 1998 Supplement)
- 2 BY repealing and reenacting, without amendments,
3 Article - Tax - General
4 Section 10-906(d)
5 Annotated Code of Maryland
6 (1997 Replacement Volume and 1998 Supplement)
- 7 BY repealing and reenacting, without amendments,
8 Article - Tax - Property
9 Section 9-220(d)
10 Annotated Code of Maryland
11 (1994 Replacement Volume and 1998 Supplement)
- 12 BY adding to
13 Article - Tax - Property
14 Section 14-918
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1998 Supplement)
- 17 BY repealing and reenacting, with amendments,
18 Article - Transportation
19 Section 4-319(a) and 5-904(b)
20 Annotated Code of Maryland
21 (1993 Replacement Volume and 1998 Supplement)
- 22 BY repealing and reenacting, with amendments,
23 Article - Transportation
24 Section 16-111(e)(5)
25 Annotated Code of Maryland
26 (1998 Replacement Volume and 1998 Supplement)
27 (As enacted by Chapter 483 of the Acts of the General Assembly of 1998)
- 28 BY repealing and reenacting, with amendments,
29 Article - Transportation
30 Section 14-110(c) and (d), 16-113(a)(2), 16-205.1(g)(2) and (3), 27-108(d), and
31 27-110(d)
32 Annotated Code of Maryland
33 (1998 Replacement Volume and 1998 Supplement)
- 34 BY repealing and reenacting, with amendments,
35 Article - Transportation
36 Section 21-101(f)

1 Annotated Code of Maryland
2 (1998 Replacement Volume and 1998 Supplement)
3 (As enacted by Chapter 360 of the Acts of the General Assembly of 1998)

4 BY repealing and reenacting, with amendments,
5 The Public Local Laws of Howard County
6 Section 26.105(a)
7 Article 14 - Public Local Laws of Maryland
8 (1995 Edition and November 1998 Supplement, as amended)
9 (As enacted by Chapter 268 of the Acts of the General Assembly of 1996)

10 BY repealing and reenacting, with amendments,
11 Chapter 509 of the Acts of the General Assembly of 1979
12 Section 2

13 BY repealing and reenacting, with amendments,
14 Chapter 3 of the Acts of the General Assembly of the First Special Session of
15 1992, as amended by Chapter 91 of the Acts of the General Assembly of
16 1994 and Chapter 357 of the Acts of the General Assembly of 1996
17 Section 3

18 BY repealing
19 Chapter 57 of the Acts of the General Assembly of 1997
20 Section 18

21 BY repealing and reenacting, with amendments,
22 Chapter 754 of the Acts of the General Assembly of 1997, as amended by
23 Chapter 21 of the Acts of the General Assembly of 1998
24 Section 4

25 BY repealing and reenacting, with amendments,
26 Chapter 226 of the Acts of the General Assembly of 1998
27 Section 3

28 BY repealing and reenacting, with amendments,
29 Chapter 395 of the Acts of the General Assembly of 1998
30 Section 2

31 BY repealing
32 Chapter 686 of the Acts of the General Assembly of 1998
33 Section 2

34 BY repealing and reenacting, with amendments,
35 Chapter 713 of the Acts of the General Assembly of 1998
36 Section 3

1 BY repealing and reenacting, with amendments,
2 Chapter 379 of the Acts of the General Assembly of 1996, as amended by
3 Chapters 14 and 70 of the Acts of the General Assembly of 1997, and
4 Chapters 598 and 599 of the Acts of the General Assembly of 1998
5 Section 6

6 BY repealing and reenacting, with amendments,
7 Article - Courts and Judicial Proceedings
8 Section 4-402(e)(1)
9 Annotated Code of Maryland
10 (1998 Replacement Volume)

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

13 **Article 2B - Alcoholic Beverages**

14 2-101.

15 (c) (1) The holder of a nonbeverage permit may purchase alcohol and
16 alcoholic beverages for use in compounding or manufacturing flavoring extracts;
17 medicinal, antiseptic or toilet preparations, or for other similar purposes; for scientific
18 or laboratory purposes; or flavoring food products; or for sale by druggists or
19 apothecaries upon the written prescription of a qualified physician.

20 (2) The holder of a nonbeverage permit may not use, sell or deliver
21 alcoholic beverages for beverage purposes or use, sell or deliver any product produced
22 with alcoholic beverages which is fit for beverage purposes.

23 (d) The holder of a [nonbeverage] CHANGE OF DOMICILE permit may
24 transport into this State the holder's private stock of alcoholic beverages, for personal
25 consumption only, when the permit holder is changing his domicile into this State,
26 provided the taxes levied by § 5-102 of the Tax - General Article have been paid to the
27 Office of the Comptroller.

28 DRAFTER'S NOTE:

29 Error: Misnomer in Article 2B, § 2-101(d).

30 Occurred: Ch. 3, Acts of 1994.

31 6-201.

32 (r) (11) (i) There is a Class [B/ECR] B-ECR license.

33 (ii) The annual license fee is \$2,000.

34 (iii) In this paragraph "Commission" means the Maryland-National
35 Capital Park and Planning Commission.

1 (iv) 1. The Board may issue a special 7-day Class B-ECR
 2 (Equestrian Center restaurant) on-sale beer, wine and liquor license for the exclusive
 3 use on the premises of the Commission's Equestrian Center restaurant located within
 4 Prince George's County.

5 2. The special 7-day Class B-ECR on-sale beer, wine and
 6 liquor license authorizes the sale of beer, wine, and liquor by the drink for
 7 consumption on the restaurant premises by the holder or a private concessionaire
 8 under contract with the holder to operate the licensed premises.

9 (v) 1. A special 7-day Class B-ECR on-sale beer, wine and
 10 liquor license shall be issued to the Commission for use in the Commission's
 11 Equestrian Center restaurant upon the Commission's making application and
 12 qualifying as a license holder under this article.

13 2. The residency requirement under § 9-101 of this article
 14 does not apply to an applicant for this license under this paragraph.

15 (vi) Any profit made from the sale of beer, wine, and liquor by the
 16 holder of a license issued pursuant to this paragraph may be for the use and benefit
 17 of the Commission.

18 DRAFTER'S NOTE:

19 Error: Stylistic error in Article 2B, § 6-201(r)(11)(i).

20 Occurred: Ch. 3, Acts of 1994.

21 (x) (2) (i) This paragraph applies solely to hotel and restaurant licenses.

22 (ii) The annual license fee is:

23 1. For a restaurant - \$1,100; and

24 2. For a hotel - \$1,650.

25 (iii) 1. This license may be issued to a bona fide hotel which:

26 A. Is an establishment for the accommodation of the public
 27 providing services ordinarily found in hotels; and

28 B. Is equipped with not fewer than 25 rooms, a lobby with
 29 registration and mail desk and seating facilities and a dining room which serves
 30 full-course meals at least twice daily.

31 2. A hotel license does not permit sales for consumption off
 32 the premises.

33 (iv) 1. This license may be issued to a restaurant which:

- 1 A. Is a business establishment for the accommodation of the
2 public;
- 3 B. Is fully equipped with a proper and adequate dining room
4 with facilities for preparing and serving regular meals;
- 5 C. Has a regular seating capacity at tables (not including
6 seats at bars or counters) for 75 or more persons seated comfortably and adequately
7 and shall meet the minimum requirements of the fire code applicable to the
8 jurisdiction where the restaurant is located; and
- 9 D. Has the average daily receipts from the sale of foods for
10 each month exceed the average daily receipts from the sale of alcoholic beverages. In
11 calculating average daily receipts from the sale of foods, no allocation of foodstuff
12 contained in any mixed drink may be included in average daily receipts from the sale
13 of food.
- 14 2. The seating does not affect present Class B beer, wine and
15 liquor licensees.
- 16 3. This license requires the sale of alcoholic beverages for
17 consumption only on the inside of the restaurant premises. A person may not enter or
18 egress the premises while in possession of any alcoholic beverages.
- 19 (v) 1. Except for the purchase of beer and light wine, the holder
20 shall purchase all of the alcoholic beverages that are sold for consumption on the
21 premises from the County dispensary.
- 22 2. The County dispensary may not charge the holder more
23 than 15 percent above the wholesale operation cost to the dispensary for each item
24 that the holder purchases.
- 25 (vi) 1. "Lounge area" means a room or area that includes:
- 26 A. A bar where alcoholic beverages are served; and
- 27 B. An entertainment facility in the same room or area as the
28 bar, although entertainment need not be in progress.
- 29 2. The holder of this license may prohibit a person under the
30 legal drinking age in the State from entering the lounge area on the licensed premises
31 after 9:00 p.m., unless this person is accompanied by a parent or legal guardian who
32 is of the legal drinking age in the State.
- 33 3. The holder of this license may charge an entertainment
34 fee for each person who enters or who is present during the time live entertainment is
35 in progress in the lounge area.

36 DRAFTER'S NOTE:

1 Error: Grammatical error in Article 2B, § 6-201(x)(2)(iv)2.

2 Occurred: Ch. 313, Acts of 1998. Correction by the publisher of the
3 Annotated Code in the 1998 Supplement to the 1998 Replacement Volume
4 is validated by this Act.

5 6-301.

6 (o) (1) This [section] SUBSECTION applies only in Howard County.

7 DRAFTER'S NOTE:

8 Error: Erroneous internal reference in Article 2B, § 6-301(o)(1).

9 Occurred: Ch. 5, Acts of 1993.

10 6-601.

11 (d) The provisions of §§ 9-102[, 9-102.2,] and 10-103(b)(12) and (15) of this
12 article do not apply to this license.

13 DRAFTER'S NOTE:

14 Error: Erroneous cross-reference in Article 2B, § 6-601(d).

15 Occurred: Ch. 21, Acts of 1998.

16 8-202.

17 (d) (7) The granting of a "special Sunday license" in addition to a license of
18 any other class, to the same licensee, shall not be deemed to be in conflict with the
19 provisions of § 9-102 [or § 9-102.2] of this article.

20 DRAFTER'S NOTE:

21 Error: Erroneous cross-reference in Article 2B, § 8-202(d)(7).

22 Occurred: Ch. 21, Acts of 1998.

23 (9) Section 9-203(c) of this article does not prohibit any person who holds
24 any other class of alcoholic beverages license from obtaining a "special Sunday
25 license".

26 DRAFTER'S NOTE:

27 Error: Obsolete cross-reference in Article 2B, § 8-202(d)(9).

28 Occurred: As a result of Ch. 3, Acts of 1995. Correction by the publisher of
29 the Annotated Code in the 1998 Supplement to the 1998 Replacement
30 Volume is validated by this Act.

1 8-222.

2 (a) (3) Such licensees shall be subject to all laws, rules and regulations
3 applicable in Washington County to the sale of beer, not inconsistent with the
4 provisions of this section; nothing contained in § 9-102 [or § 9-102.2] of this article
5 shall apply to any license issued pursuant to this section.

6 DRAFTER'S NOTE:

7 Error: Erroneous cross-reference in Article 2B, § 8-222(a)(3).

8 Occurred: Ch. 21, Acts of 1998.

9 8-402.

10 (f) The provisions of this section are not restricted by:

11 (1) The provisions in subsection (b) of § 12-107 of this article; and

12 (2) The provisions of law under § 9-102 [or § 9-102.2] of this article
13 prohibiting the issuance of 2 licenses for the same premises.

14 DRAFTER'S NOTE:

15 Error: Erroneous cross-reference in Article 2B, § 8-402(f)(2).

16 Occurred: Ch. 21, Acts of 1998.

17 8-404.1.

18 (g) The provisions of this section are not restricted by:

19 (1) The provisions in § 12-107(b) of this article; and

20 (2) The provisions of law in § 9-102 [or § 9-102.2] of this article which
21 prohibit the issuance of 2 licenses for the same premises.

22 DRAFTER'S NOTE:

23 Error: Erroneous cross-reference in Article 2B, § 8-404.1(g)(2).

24 Occurred: Ch. 21, Acts of 1998.

25 12-222.

26 (f) This section and § 12-112 of this article which relate to this county do not
27 apply to any:

28 (1) "Hotel", as defined by § 1-102(a)(10) of this article, which is the
29 holder of a Class B beer, wine and liquor license; and

30 DRAFTER'S NOTE:

1 Error: Erroneous cross-reference in Article 2B, § 12-222(f)(1).

2 Occurred: As a result of Chs. 3 and 504, Acts of 1994. Correction by the
3 publisher of the Annotated Code in the 1998 Replacement Volume is
4 validated by this Act.

5 15-101.

6 (r) (2) (i) The Board of License Commissioners consists of 5 members.

7 (ii) The Governor shall appoint 4 of the 5 Commissioners from the
8 political party obtaining the highest number of votes in the last gubernatorial general
9 election in the County, and the Governor shall appoint 1 Commissioner from the
10 political party obtaining the next highest number of votes in THE County election.

11 (iii) Before making the appointments or filling any vacancy, the
12 Governor shall request the central committees for Prince George's County
13 representing each of the 2 leading political parties of the State to designate at least 4
14 eligible candidates for each position; and the Governor shall appoint one of the
15 persons so designated unless in his judgment all of the persons are unfit or
16 incompetent, in which case he shall file a written statement to that effect with the
17 Secretary of State. The statement shall set forth the facts and the grounds therefor
18 and shall call upon the committees for Prince George's County for another list of 6
19 names for each position to be filled, from which list and the original list the Governor
20 shall make the appointments.

21 DRAFTER'S NOTE:

22 Error: Omitted article in Article 2B, § 15-101(r)(2)(ii).

23 Occurred: Ch. 3, Acts of 1994.

24 15-103.

25 (d) (7) An inspector shall:

26 (i) Possess the power of a peace officer of this State with respect to
27 the enforcement of the alcoholic beverages laws of Frederick County;

28 (ii) Make monthly reports in writing to the [License
29 Commissioners of Frederick County] BOARD covering the activities and setting forth
30 any complaints or violations that may have been observed or reported;

31 (iii) Assist the Board [of License Commissioners] in enforcing the
32 alcoholic beverages laws; and

33 (iv) Have any other duties as the Board may prescribe.

34 DRAFTER'S NOTE:

35 Error: Stylistic errors in Article 2B, § 15-103(d)(7)(ii) and (iii).

1 Occurred: Ch. 764, Acts of 1985.

2 15-107.1.

3 (d) (4) (i) Except for the terms of some of the initial Hearing Board
4 members, the term of a HEARING Board member is 5 years.

5 (ii) The terms of Hearing Board members are staggered as required
6 by the terms provided for Hearing Board members on October 1, 1998.

7 (6) A Hearing Board member whose term has expired and who has
8 served 8 or more consecutive years on the HEARING Board is not eligible for
9 immediate reappointment to the Hearing Board.

10 (f) (1) The compensation of the Hearing Board members for the
11 performance of their duties shall be:

12 [(1)] (i) For the chairperson, \$55 per meeting attended, not to exceed
13 \$1,300 in a fiscal year regardless of the number of meetings attended; and

14 (ii) For other Hearing Board members, \$50 per meeting attended,
15 not to exceed \$1,200 in a fiscal year regardless of the number of meetings attended;
16 and

17 (2) The compensation of the Liquor Board members for the performance
18 of their duties shall be:

19 (i) For the chairperson, \$55 per meeting attended, not to exceed
20 \$1,300 in a fiscal year regardless of the number of meetings attended; and

21 (ii) For other [Hearing] LIQUOR Board members, \$50 per meeting
22 attended, not to exceed \$1,200 in a fiscal year regardless of the number of meetings
23 attended.

24 DRAFTER'S NOTE:

25 Error: Omitted words in Article 2B, § 15-107.1(d)(4)(i) and (6); misnomer
26 and stylistic error in Article 2B, § 15-107.1(f).

27 Occurred: Ch. 686, Acts of 1998.

28 15-112.

29 (d) (13) The following is the schedule of City Union of Baltimore (CUB) salary
30 grade levels for employees of the Board:

31 (i) Office Assistant - Grade 082;

32 (ii) Inspector I - Grade 082;

33 (iii) Inspector II - Grade 085;

- 1 (iv) Accounting Assistant II - Grade 085;
- 2 (v) Secretary III - Grade 086;
- 3 (vi) Office Supervisor - Grade 087;
- 4 (vii) Administrative Coordinator - Grade [90] 090;
- 5 (viii) Assistant Chief Inspector - Grade 090; and
- 6 (ix) Chief Inspector - Grade 093.

7 DRAFTER'S NOTE:

8 Error: Misnomer in Article 2B, § 15-112(d)(13)(vii).

9 Occurred: Ch. 165, Acts of 1998.

10 20-101.

11 (c) A bottle club may not give, serve, dispense, keep, or allow to be consumed
12 on its premises, or on premises under its control or possession, any alcoholic
13 beverages, setups, or other component parts [or] OF mixed alcoholic drinks after
14 legal closing hours for establishments under § 8-203(d) of this article.

15 (d) (1) Any person who owns or operates a bottle club shall register the
16 establishment with the [Baltimore City Liquor Control Board] BOARD OF LICENSE
17 COMMISSIONERS FOR BALTIMORE CITY.

18 DRAFTER'S NOTE:

19 Error: Misspelling in Article 2B, § 20-101(c); misnomer in Article 2B, §
20 20-101(d)(1).

21 Occurred: Ch. 427, Acts of 1998.

22 **Article 23A - Corporations - Municipal**

23 2B.

24 (b) Notwithstanding the provisions of subsection (a)(2) and (3) of this section,
25 the following categories of county legislation, if otherwise within the scope of
26 legislative powers granted the county by the General Assembly, shall nevertheless
27 apply within all municipalities in the county:

28 (4) County legislation which is enacted in accordance with the
29 procedures set forth in paragraph (b)(3) shall be subject to judicial review of the
30 finding made under subparagraph (3)(i) and of the resultant applicability of such
31 legislation to municipalities in the county by the circuit court of the county in
32 accordance with the provisions of the Maryland Rules governing appeals from
33 administrative agencies. Any appeal shall be filed within 30 days of the effective date

1 of such county legislation. In any judicial proceeding commenced under the provisions
 2 of this paragraph, the sole issues are whether the county legislative body (1) complied
 3 with the procedures of paragraph (b)(3), and (2) had before it sufficient evidence from
 4 which a reasonable person could conclude that there will be a significant adverse
 5 impact on the public health, safety, or welfare affecting residents of the county in
 6 unincorporated areas if such county legislation does not apply in all municipalities
 7 located in the county. The issues shall be decided by the court without a jury. In the
 8 event that the court reverses such finding, the legislation shall continue to apply in
 9 unincorporated areas of the county and the applicability of such county legislation in
 10 municipalities shall be governed by the provisions of subsection (a) of this section. The
 11 decision of the circuit court in any such proceeding shall be subject to further appeal
 12 to the [court of special appeals] COURT OF SPECIAL APPEALS by the county or any
 13 municipality in the county.

14 DRAFTER'S NOTE:

15 Error: Incorrect capitalization in Article 23A, § 2B(b)(4).

16 Occurred: Ch. 398, Acts of 1983.

17 **Article 27 - Crimes and Punishments**

18 9.

19 (a) A person may not threaten either verbally or in writing to:

20 (1) Set fire to or burn a structure; or

21 (2) Explode a destructive device, as defined in § 139A of this article, in,
 22 on, or under a structure.

23 DRAFTER'S NOTE:

24 Error: Missing section symbol in Article 27, § 9(a)(2).

25 Occurred: Ch. 21, Acts of 1998. Correction by the publisher of the
 26 Annotated Code in the 1998 Supplement to the 1996 Replacement Volume
 27 of Article 27 is validated by this Act.

28 12A-2.

29 (b) (1) Subsection (a)(1) of this section does not apply to any conduct
 30 involving:

31 (i) [Except as provided in § 120(a)(2) of this Article, the] THE use
 32 of a motor vehicle as defined in § 11-135 of the Transportation Article; or

33 (ii) The manufacture, production, or sale of any product or
 34 commodity.

1 DRAFTER'S NOTE:

2 Error: Obsolete cross-reference in Article 27, § 12A-2(b)(1)(i).

3 Occurred: Ch. 21, Acts of 1998.

4 36-I.

5 (f) Nothing in this section shall be construed to interfere with:

6 (2) The manufacturing in the State of a handgun not on the handgun
7 roster by a federally licensed gun manufacturer that [was] IS also licensed as a
8 regulated firearms dealer in the State [as of January 1, 1998,] for direct sale to a unit
9 of:

10 (i) The federal government;

11 (ii) A state other than the State of Maryland;

12 (iii) An out-of-state local government; or

13 (iv) An out-of-state law enforcement agency.

14 DRAFTER'S NOTE:

15 Error: Unconstitutional qualifying date in Article 27, § 36-I(f)(2), as
16 described in the Attorney General's bill review letter dated May 13, 1998.

17 Occurred: Ch. 607, Acts of 1998.

18 146.

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

20 (2) "Computer control language" means any ordered statements that
21 direct a computer to perform specific functions.

22 DRAFTER'S NOTE:

23 Error: Misspelling in Article 27, § 146(a)(2).

24 Occurred: Ch. 525, Acts of 1998. Correction by the publisher of the
25 Annotated Code in the 1998 Supplement to the 1996 Replacement Volume
26 of Article 27 is validated by this Act.

27 297.

28 (o) (1) Except as provided in [subsection] SUBSECTIONS (m)(4) and (p) of
29 this section, if an owner of seized property wants to obtain possession of the property,
30 regardless of whether forfeiture proceedings have been commenced, or to convey an
31 interest in real property, or remove a building or fixture on real property, where

1 forfeiture proceedings have been commenced against the real property, the owner
2 shall notify:

3 (i) If forfeiture proceedings have been commenced, the clerk of the
4 court where the proceedings have been commenced;

5 (ii) If criminal proceedings have been commenced but forfeiture
6 proceedings have not, the clerk of the court where the criminal proceedings have been
7 commenced; or

8 (iii) If neither forfeiture nor criminal proceedings have been
9 commenced, the clerk of the circuit court of the jurisdiction where the property was
10 seized.

11 DRAFTER'S NOTE:

12 Error: Misspelling in Article 27, § 297(o)(1).

13 Occurred: Ch. 285, Acts of 1989.

14 556.

15 (a) (1) In this subsection, "telegraph [company" and] COMPANY", "telegraph
16 [lines"] LINES", "TELEPHONE COMPANY", AND "TELEPHONE LINES" have the
17 meanings stated in [Title 1] § 1-101 of the Public Utility Companies Article.

18 DRAFTER'S NOTE:

19 Error: Omitted definitions and overly broad cross-reference in Article 27, §
20 556(a)(1).

21 Occurred: Ch. 8, Acts of 1998.

22 594B.

23 (g) For purposes of this section, the term "police officer" means any person
24 who, in an official capacity, is authorized by law to make arrests and who is:

25 (14) A MEMBER OF THE Housing Authority of Baltimore City Police Force;

26 (17) Subject to subsections (i) and [(l)(7)] (M)(7) of this section, the State
27 Fire Marshal or a full-time investigative and inspection assistant of the Office of the
28 State Fire Marshal.

29 DRAFTER'S NOTE:

30 Error: Stylistic error in Article 27, § 594B(g)(14); incorrect cross-reference
31 in Article 27, § 594B(g)(17).

32 Occurred: Ch. 665, Acts of 1991; as a result of Ch. 268, Acts of 1998.

1 (i) (1) Except as provided in subsection [(1)(7)] (M)(7) of this section, the
2 State Fire Marshal or a full-time investigative and inspection assistant of the Office
3 of the State Fire Marshal has the powers of arrest set forth in subsection (c) of this
4 section only as to offenses listed under §§ 6, 7, 139C, and 410, of this article, and
5 attempts, conspiracies, and solicitations to commit these offenses.

6 (2) Except as provided in subsection [(1)(7)] (M)(7) of this section, the
7 State Fire Marshal or a full-time investigative and inspection assistant of the Office
8 of the State Fire Marshal has the powers of arrest set forth in subsection (e) of this
9 section only as to offenses listed under §§ 8(a), 9, 9A, 11D, 111B, 151A, 151C, 156, and
10 470A(b)(4) of this article, and attempting, causing, aiding, counseling, or procuring
11 arson in the first or second degree or malicious burning in the first or second degree.

12 (3) Except as provided in subsection [(1)(7)] (M)(7) of this section, the
13 State Fire Marshal or a full-time investigative and inspection assistant of the Office
14 of the State Fire Marshal does not have the powers of arrest set forth in subsections
15 (a), (b), and (d) of this section.

16 DRAFTER'S NOTE:

17 Error: Incorrect cross-reference in Article 27, § 594B(i).

18 Occurred: Ch. 268, Acts of 1998.

19 773.

20 (d) The judge may sequester a victim after the victim has initially testified or
21 a representative from any part of the trial or juvenile delinquency adjudicatory
22 hearing at the request of the defendant or the State only after a determination by the
23 court, with specific findings of fact on the record that:

24 (1) There is reason to believe that the victim will be recalled or the
25 representative will be called to testify at the trial or adjudicatory hearing; and

26 (2) The presence of the victim or representative would influence the
27 [victim] VICTIM'S or representative's future testimony at the trial or adjudicatory
28 hearing in a manner that would materially affect the defendant's right to a fair trial
29 or adjudicatory hearing.

30 DRAFTER'S NOTE:

31 Error: Grammatical error in Article 27, § 773(d)(2).

32 Occurred: Ch. 479, Acts of 1998.

33 [803.

34 The Department of Health and Mental Hygiene shall develop, implement, and
35 administer a Pilot Domestic Violence Protocol Program, as provided under §§ 19-1701
36 through 19-1705 of the Health - General Article.]

1 DRAFTER'S NOTE:

2 Error: Obsolete cross-reference in Article 27, § 803.

3 Occurred: As a result of Ch. 558, Acts of 1994.

4 **Article 28 - Maryland-National Capital Park and Planning Commission**

5 7-121.

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

7 (3) "Regulatory plan" means an application proposing development on
8 privately owned land that must be submitted to a planning board of the Commission
9 for review and final approval under this article or under [Montgomery County or
10 Prince George's County] COUNTY laws and regulations.

11 (4) "Reviewing entity" means the [County Executive of Montgomery
12 County or Prince George's County] COUNTY EXECUTIVE, unless otherwise indicated,
13 or other local, State, or federal government or unit that agrees to execute an
14 agreement.

15 DRAFTER'S NOTE:

16 Error: Erroneous references to Prince George's County in Article 28, §
17 7-121(a)(3) and (4).

18 Occurred: Ch. 562, Acts of 1995. The bill was amended to limit Article 28,
19 § 7-121 to Montgomery County.

20 **Article 29 - Washington Suburban Sanitary District**

21 6-113.

22 (c) (1) (ii) The amount of the charge for a particular property:

23 3. For residential properties with five or fewer toilets, shall
24 be based on the number of toilets per dwelling unit and:

25 A. For each apartment unit, MAY not exceed \$2,000;

26 DRAFTER'S NOTE:

27 Error: Omitted word in Article 29, § 6-113(c)(1)(ii)3 A.

28 Occurred: Ch. 713, Acts of 1998. Correction by the publisher of the
29 Annotated Code in the 1998 Supplement to the 1997 Replacement Volume
30 is ratified by this Act.

Article 33 - Election Code

1

2 1-303.

3 (A) IN THIS SECTION, "VOTER INFORMATION MATERIAL" MEANS:

4 (1) CAMPAIGN LITERATURE THAT IS SUBJECT TO THE PROVISIONS OF
5 THIS ARTICLE; OR6 (2) REGISTRATION OR VOTING INFORMATION ISSUED BY THE STATE
7 BOARD OR A LOCAL BOARD.

8 (B) THIS SECTION APPLIES ONLY:

9 (1) IN MONTGOMERY COUNTY; AND

10 (2) TO APARTMENT BUILDINGS, CONDOMINIUMS, OR OTHER
11 MULTIFAMILY RESIDENTIAL STRUCTURES WHERE ACCESS TO THE ENTRANCE OF
12 INDIVIDUAL RESIDENTIAL UNITS IS RESTRICTED BY THE OWNER OR GOVERNING
13 BOARD OF THE ENTIRE STRUCTURE.14 (C) (1) THE OWNER OR GOVERNING BOARD OF A MULTIFAMILY
15 RESIDENTIAL STRUCTURE SHALL DESIGNATE A PUBLIC AREA WITHIN THE
16 STRUCTURE WHERE, FOR THE 60-DAY PERIOD IMMEDIATELY PRIOR TO EACH
17 PRIMARY ELECTION AND GENERAL ELECTION, VOTER INFORMATION MATERIAL MAY
18 BE DISTRIBUTED OR DEPOSITED.19 (2) THE DESIGNATED PUBLIC AREA SHALL BE READILY ACCESSIBLE TO
20 THE RESIDENTS OF THE STRUCTURE.21 (3) VOTER INFORMATION MATERIAL DEPOSITED IN THE DESIGNATED
22 PUBLIC AREA SHALL REMAIN AVAILABLE FOR RESIDENTS OF THE STRUCTURE FOR A
23 PERIOD OF AT LEAST 10 DAYS.24 (D) UPON WRITTEN NOTIFICATION BY A PERSON WHOSE RIGHTS UNDER THIS
25 SECTION WERE VIOLATED, THE LOCAL BOARD SHALL:26 (1) NOTIFY THE OWNER OR GOVERNING BOARD REGARDING THE
27 APPARENT VIOLATION AND THE REQUIREMENTS OF THIS SECTION; AND28 (2) REQUEST COMPLIANCE WITH THE REQUIREMENTS OF THIS
29 SECTION.

30 DRAFTER'S NOTE:

31 Error: Inadvertent omission of former Article 33, § 25-4 in the 1998
32 revision of the Election Code.

33 Occurred: Ch. 585, Acts of 1998.

1 2-301.

2 (b) (1) An individual subject to this section may not, while holding the
3 position:

4 (i) Hold or be a candidate for any [public] ELECTIVE or political
5 party office OR ANY OTHER OFFICE CREATED UNDER THE CONSTITUTION OR LAWS
6 OF THIS STATE;

7 (ii) Use the individual's official authority for the purpose of
8 influencing or affecting the result of an election; or

9 (iii) Except as provided in paragraph (2) of this subsection, take an
10 active part in political management or a political campaign related to any candidate
11 or any matter that is subject to an election under this article.

12 DRAFTER'S NOTE:

13 Error: Ambiguous provision in the revision of Article 33, § 2-301(b)(1)(i).

14 Occurred: Ch. 585, Acts of 1998.

15 3-302.

16 (a) (2) Beginning with the primary election in 2000, and for any subsequent
17 election prior to the primary election in 2002, registration is closed beginning at 9
18 p.m. on the [24th] 25TH day preceding the election until the 11th day after that
19 election.

20 DRAFTER'S NOTE:

21 Error: Error in the revision of Article 33, § 3-302(a)(2). The intent of the
22 Commission to Revise the Election Code had been to phase in a shortening
23 of the period before an election when voter registration is closed. In 2002,
24 the close of registration will be the 21st day before the election. The 24th
25 day before the election was specified for 2000, but since that day would be
26 a Saturday, the actual close would have been the following Monday, the
27 22nd day before the election. The Commission to Revise the Election Code
28 determined that this result was not consistent with the intent.

29 Occurred: Ch. 585, Acts of 1998.

30 5-504.

31 (b) Except for the offices of Governor and Lieutenant Governor, the name of
32 any individual who files a certificate of candidacy and does not withdraw shall appear
33 on the primary election ballot unless, by the 10th day [prior to] AFTER the filing
34 deadline specified under § 5-303 of this article, the individual's death or
35 disqualification is known to the applicable board with which the certificate of
36 candidacy was filed.

1 DRAFTER'S NOTE:

2 Error: Error in the revision of Article 33, § 5-504(b).

3 Occurred: Ch. 585, Acts of 1998.

4 5-703.

5 (c) (3) The declaration of intent shall be filed as follows:

6 (i) In a year in which the Governor is elected OR THE BALTIMORE
7 CITY MUNICIPAL ELECTION IS HELD, by the date and time specified for a candidate to
8 file a certificate of candidacy;

9 (ii) In a year in which the President is elected, by July 1; and

10 (iii) For a special election to fill a vacancy for Representative in
11 Congress, by the date and time specified for a candidate to file a certificate of
12 candidacy in the Governor's proclamation.

13 DRAFTER'S NOTE:

14 Error: Incomplete reference in Article 33, § 5-703(c)(3)(i).

15 Occurred: Ch. 585, Acts of 1998.

16 7-106.

17 (b) (1) Publication of a statewide question shall be in accordance with
18 regulations adopted by the State Board, consistent with the requirements of Article
19 XIV or XVI of the Maryland Constitution.

20 DRAFTER'S NOTE:

21 Error: Incorrect word usage in Article 33, § 7-106(b)(1).

22 Occurred: Ch. 585, Acts of 1998. Correction by the publisher of the
23 Annotated Code in the 1998 Supplement to the 1997 Replacement Volume
24 is validated by this Act.

25 8-710.

26 (d) (4) Notwithstanding any provision of this article:

27 (i) A nominee for the special primary election may decline the
28 nomination by notifying the State Board not later than 5 p.m. on the Wednesday
29 following the primary election;

30 (ii) The appropriate political party shall fill the vacancy in
31 nomination not later THAN 5 p.m. on the Thursday following the primary election;
32 and

1 (iii) A petition for recount and recanvass of the special primary
2 election shall be filed not later than 5 p.m. on the Wednesday following the primary
3 election.

4 DRAFTER'S NOTE:

5 Error: Missing word in Article 33, § 8-710(d)(4)(ii).

6 Occurred: Ch. 585, Acts of 1998.

7 9-106.

8 (b) (2) The bonds of each issue shall be dated, shall bear interest at such
9 rate or rates, and shall mature at the time or times, as determined by the governing
10 body of the county. They may be made redeemable before maturity at the option of the
11 governing body at the price or prices and under the terms and conditions fixed by the
12 governing body prior to the issuance of the bonds. The governing body shall determine
13 the form of the bonds, including any interest coupons to be attached to them, and
14 shall fix the denomination or denominations of the bonds and the place or places of
15 payment of principal and interest, which may be at any bank or trust company in or
16 outside the State. The bonds shall be signed by the officer or officers of the county
17 issuing them, the seal of the county shall be affixed to them and attested in the
18 manner, and any coupons attached to them shall bear the facsimile signature of the
19 officer as the governing body determines. In case any officer whose signature or a
20 facsimile of whose signature appears on any bonds or coupons shall cease to hold the
21 office before the delivery of the bonds, the signature or facsimile shall nevertheless be
22 valid and sufficient for all purposes the same as if he had remained in office until
23 delivery. All bonds issued under the provisions of this section shall have and are
24 hereby declared to have all the qualities and incidents of negotiable instruments
25 under the Maryland Uniform Commercial Code. The bonds may be issued in coupon
26 or in registered form, or both, as the governing body determines, and provision may
27 be made for the registration of any coupon bonds as to principal alone and also as to
28 both principal and interest, and for the reconversion into coupon bonds of any bonds
29 registered as to both principal and interest. The governing body may sell the bonds in
30 the manner, either at public or private sale, for the price it may determine to be for
31 the best interest of the county. The provisions of Article 31, §§ 9 through 11 of the
32 Code do not apply to bonds issued under the provisions of this section.

33 DRAFTER'S NOTE:

34 Error: Missing word in Article 33, § 9-106(b)(2).

35 Occurred: Ch. 585, Acts of 1998. Correction by the publisher of the
36 Annotated Code in the 1998 Supplement to the 1997 Replacement Volume
37 is validated by this Act.

38 11-604.

39 (A) IN A COUNTY, MUNICIPAL CORPORATION, OR OTHER POLITICAL
40 SUBDIVISION IN WHICH A REFERENDUM VOTE IS HELD ON A LAW, ORDINANCE, OR

1 RESOLUTION, THE EXECUTIVE HEAD OF THE COUNTY, MUNICIPAL CORPORATION, OR
2 OTHER POLITICAL SUBDIVISION PROMPTLY SHALL REPORT THE RESULTS OF THE
3 REFERENDUM TO THE CLERK OF THE COURT FOR THE COUNTY.

4 (B) AS PROMPTLY AS POSSIBLE THEREAFTER, THE CLERK OF THE COURT
5 SHALL CERTIFY THE RESULTS OF THE REFERENDUM TO THE STATE BOARD.

6 DRAFTER'S NOTE:

7 Error: Inadvertent omission of former Article 33, § 23-11(a) in the 1998
8 revision of the Election Code.

9 Occurred: Ch. 585, Acts of 1998.

10 13-401.

11 (e) The chairmen and the treasurers of all other committees shall file the
12 report or statement of contributions and expenditures, as prescribed in accordance
13 with § 13-402 of this subtitle, at each of the times and for the respective periods
14 specified in subsection (a) of this section. Each report, filed in accordance with
15 paragraphs (1) and (2) of this subsection, shall be filed in duplicate. This report or
16 statement shall be filed with:

17 (1) The local board of the county or Baltimore City at which a candidate
18 supported or opposed by a committee has filed his certificate of candidacy; and

19 (2) The local board of the county or Baltimore City in which the
20 committee has promoted the success or defeat of a local principle or local proposition
21 submitted to a vote at an election only in that county or Baltimore City; and

22 (3) The State Board if a candidate supported or opposed by a committee
23 has filed his certificate of candidacy with the State Board; and

24 (4) The State Board if the committee has promoted the success or defeat
25 of a political party, statewide principle, statewide proposition, or other principle or
26 proposition submitted to a vote at an election in a county or Baltimore City and all or
27 part of another county or counties; and

28 (5) The local board of the county or Baltimore City and the State Board if
29 the committee supported or opposed candidates filing their certificates of candidacy
30 with both the local board and the State Board; and

31 (6) The local board and the State Board if the committee has promoted
32 the success or defeat of a local principle or local proposition submitted to a vote at an
33 election in that county or Baltimore City and has promoted the success or defeat of a
34 political party, statewide principle, statewide proposition, or other principle or
35 proposition submitted to a vote at an election in more than one county or Baltimore
36 City.

37 DRAFTER'S NOTE:

1 Error: Incorrect word usage in Article 33, § 13-401(e)(3) and (5).

2 Occurred: Ch. 585, Acts of 1998. Correction by the publisher of the
3 Annotated Code in the 1998 Supplement to the 1997 Replacement Volume
4 is validated by this Act.

5 16-902.

6 (b) A person who violates this section is guilty of a misdemeanor and is subject
7 to a fine of not [more] LESS than \$50 nor more than \$500 to be paid to the State.

8 DRAFTER'S NOTE:

9 Error: Incorrect word usage in Article 33, § 16-902(b).

10 Occurred: Ch. 585, Acts of 1998.

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

12 [Subtitle 2. Department of Public Utilities.]

13 [10-201.

14 The head of the Department of Public Utilities shall be the Public Service
15 Commission, constituted and organized as at present, and having and exercising the
16 rights, powers, duties, obligations and functions now or hereafter conferred by law.]

17 DRAFTER'S NOTE:

18 Error: Duplicative provision in Article 41, § 10-201, identical in
19 substance to § 2-101(b) of the Public Utility Companies Article.

20 Occurred: As a result of Ch. 8, Acts of 1998.

21 13-103.

22 (a) A body corporate and politic, to be known as "The Maryland Food Center
23 Authority" is created to be an instrumentality of the State of Maryland and a public
24 corporation by that name, style and title. It may contract and be contracted with, sue
25 and be sued, implead and be impleaded, and complain and defend in all courts [of
26 law].

27 DRAFTER'S NOTE:

28 Error: Obsolete terminology in Article 41, § 13-103(a).

29 Occurred: Ch. 21, Acts of 1998.

30 18-312.

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

1 (2) "Chairperson" means the Chairperson of the Commission.

2 (3) "Commission" means the Maryland Commission on Criminal
3 Sentencing Policy.

4 (4) "Correctional options program" means a criminal sanction other than
5 traditional probation, traditional parole, or total confinement.

6 (5) (i) "Descriptive sentencing guidelines" means a sentencing
7 structure that reflects the actual sentencing practices of judges in the State over a
8 specified period.

9 (ii) "Descriptive sentencing guidelines" includes the current
10 Maryland sentencing guidelines.

11 (6) "Good time credits" means deductions from an inmate's term of
12 confinement under Article 27, § 700(d) of the Code.

13 (7) (i) "Guided discretion sentencing guidelines" means a sentencing
14 structure that includes:

15 1. Elements of determinant sentencing that bring greater
16 levels of rationality and uniformity to the sentencing process (such as presumptive or
17 ordinary sentences); and

18 2. Elements of discretionary sentencing that allow a judge to
19 impose a sentence that is fair and just under the circumstances of a particular case
20 (such as the ability to depart from a presumptive or ordinary sentence under certain
21 specified circumstances).

22 (ii) "Guided discretion sentencing guidelines" does not include the
23 federal sentencing guidelines or any similar type of mechanical sentencing structure.

24 (8) "Mandatory supervision" has the meaning stated in [Article 41,] §
25 4-501(13) of [the Code] THIS ARTICLE.

26 (9) "Parole" has the meaning stated in [Article 41,] § 4-501(5) of [the
27 Code] THIS ARTICLE.

28 DRAFTER'S NOTE:

29 Error: Obsolete cross-reference in Article 41, § 18-312(a)(8) and (9).

30 Occurred: Ch. 563, Acts of 1996.

31 18-316.

32 (b) The Task Force consists of the following members:

33 (1) Two members of the House of Delegates appointed by the Speaker of
34 the House, one of whom shall be the Chairman of the House Special Committee on

- 1 Drug and Alcohol Abuse or another member of that committee designated by the
2 Chairman;
- 3 (2) Two members of the Senate of Maryland appointed by the President
4 of the Senate;
- 5 (3) One representative of the Department of Health and Mental
6 Hygiene;
- 7 (4) One representative from the Department of Human Resources;
- 8 (5) The Attorney General or a designee of the Attorney General;
- 9 (6) One licensed physician with experience working in a substance abuse
10 program;
- 11 (7) One registered nurse with experience working in a substance abuse
12 program;
- 13 (8) One licensed social worker with experience working in a substance
14 abuse program;
- 15 (9) One licensed psychologist with experience working in a substance
16 abuse program;
- 17 (10) One representative from a county substance abuse program;
- 18 (11) One representative from a city substance abuse program;
- 19 (12) One representative from the Maryland Association of Social Service
20 Directors;
- 21 (13) One former addict;
- 22 (14) One police officer;
- 23 (15) One representative of the [Department of Corrections] DIVISION OF
24 CORRECTION;
- 25 (16) One representative of the Department of Juvenile Justice;
- 26 (17) One representative of the Office for Children, Youth, and Families;
- 27 (18) One representative of hospitals in the State;
- 28 (19) One operator from a substance abuse program; and
- 29 (20) One experienced addictions counselor.

30 DRAFTER'S NOTE:

1 Error: Incorrect terminology in Article 41, § 18-316(b)(15).

2 Occurred: Ch. 778, Acts of 1998.

3 20-109.

4 (d) (1) As soon as practical after the closing of the fiscal year, an audit shall
5 be made of the financial books, records, and accounts of the Corporation.

6 (2) The audit shall be made by independent certified public accountants
7 selected by the Corporation.

8 (3) The accountants shall be licensed to practice in the State and shall be
9 experienced and qualified in the accounting and auditing of public bodies.

10 (4) The accountants may not have a personal interest either directly or
11 indirectly in the fiscal affairs of the Corporation.

12 (5) The accountants shall report the results of their examination,
13 including their unqualified opinion on the presentation of the financial position of the
14 various funds and the results of the Corporation's financial operations.

15 (6) If the accountants are unable to express an unqualified opinion, they
16 shall state and explain in detail the reasons for their qualifications, disclaimer, or
17 opinion, including recommendations necessary to make possible future unqualified
18 opinions.

19 DRAFTER'S NOTE:

20 Error: Erroneous tabulation in Article 41, § 20-109(d)(1).

21 Occurred: Chs. 428 and 429, Acts of 1998. Correction by the publisher of
22 the Annotated Code in the 1998 Supplement to the 1997 Replacement
23 Volume is validated by this Act.

24 20-111.

25 (a) Except as otherwise provided in this section, the Corporation is exempt
26 from the provisions of:

27 (1) Title 10, Subtitle 5 of the State Government Article;

28 (2) Title 2, [Subtitles 2, 4, and 6, and § 2-105] SUBTITLES 2, 4, AND 6 of
29 the State Finance and Procurement Article;

30 (3) Title 3, § 2-510 of the State Finance and Procurement Article;

31 (4) Title 4, Subtitles 2 through 7 of the State Finance and Procurement
32 Article;

1 (5) Title 6, [Subtitle 1,] SUBTITLE 1 of the State Finance and
2 Procurement Article;

3 (6) Title 7, Subtitles 1 through 3 of the State Finance and Procurement
4 Article;

5 (7) Title 8, [Subtitle 1,] SUBTITLE 1 of the State Finance and
6 Procurement Article; and

7 (8) Division II of the State Finance and Procurement Article.

8 DRAFTER'S NOTE:

9 Error: Obsolete cross-reference in Article 41, § 20-111(a)(2); erroneous
10 punctuation in Article 41, § 20-111(a)(5) and (7).

11 Occurred: As a result of Ch. 5, Acts of 1997; Chs. 428 and 429, Acts of
12 1998.

13 **Article 48 - Inspections**

14 172.

15 (a) The provisions of this subtitle do not apply to the following boilers and
16 pressure vessels:

17 (7) Subject to the provisions of subsection (e) of this section, vessels for
18 containing water under pressure, including those containing air, the compression of
19 which serves only as a cushion, when none of the following limitations are exceeded:

20 (i) A design pressure of 300 [psi;] PSIG; or

21 (ii) A design temperature of 210 degrees Fahrenheit.

22 DRAFTER'S NOTE:

23 Error: Incorrect abbreviation in Article 48, § 172(a)(7)(i).

24 Occurred: Ch. 701, Acts of 1994.

25 182.

26 Any person refusing to allow or hindering or obstructing such inspection shall be
27 fined not less than ten dollars nor more than one hundred dollars or imprisoned for A
28 PERIOD not exceeding thirty days for each such offense.

29 DRAFTER'S NOTE:

30 Error: Omitted words in Article 48, § 182.

31 Occurred: 1957 Annotated Code.

1 **Article 49D - Office for Children, Youth, and Families**

2 34.

3 (b) In consultation with appropriate State agencies and other concerned
4 organizations, the Commission shall:

5 (5) In accordance with the infant mortality prevention strategic plan,
6 recommend to the Governor distribution of community incentive grants concerning
7 infant mortality prevention from funds provided in the State budget for this purpose,
8 giving priority to innovative projects that:

9 (i) Promote the establishment of a regionalized perinatal maternal
10 and infant health system; and

11 (ii) Demonstrate a high level of commitment to [the] maternal and
12 infant health by making available nonstate funds, personnel, and facilities; and

13 DRAFTER'S NOTE:

14 Error: Extraneous word in Article 49D, § 34(b)(5)(ii).

15 Occurred: Ch. 413, Acts of 1991.

16 **Article 66B - Zoning and Planning**

17 4.05.

18 (d) (2) The local legislative body may authorize the planning director or
19 other designee to grant administrative adjustments from height, setback, bulk,
20 parking, loading, dimensional, area, or similar requirements of the zoning
21 ordinance[; and].

22 DRAFTER'S NOTE:

23 Error: Erroneous word and punctuation in Article 66B, § 4.05(d)(2).

24 Occurred: Ch. 89, Acts of 1998.

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

26 5-214.

27 (a) Except as otherwise provided in this section, in exercising its corporate
28 powers, the Corporation is exempt from the provisions of Articles 41 and 78A of the
29 Code; § 10-507 of the State Government Article; and [§ 2-105,] Title 2, Subtitles 2, 4,
30 and 5, Titles 3 and 4, Title 6, Subtitle 1, Title 7, Subtitles 1, 2, and 3, §§ 8-127, 8-128,
31 and 8-129, Part V of Title 8, Subtitle 1, and Title 10, and Division II of the State
32 Finance and Procurement Article, and may carry out its corporate purposes without
33 obtaining the consent of any department, board, or agency of the State.

1 5-1210.

2 (a) Except as otherwise provided in this section, in exercising its corporate
3 powers, the Corporation is exempt from the provisions of Articles 41 and 78A of the
4 Code; § 10-507 of the State Government Article; and [§ 2-105,] Title 2, Subtitles 2, 4,
5 and 5, Titles 3 and 4, Title 6, Subtitle 1, Title 7, Subtitles 1, 2, and 3, §§ 8-127, 8-128,
6 and 8-129, Title 8, Subtitle 1, and Title 10, and Division II of the State Finance and
7 Procurement Article, and may carry out its corporate purposes without obtaining the
8 consent of any department, board, or agency of the State.

9 DRAFTER'S NOTE:

10 Error: Obsolete cross-reference in Article 83A, §§ 5-214(a) and
11 5-1210(a).

12 Occurred: As a result of Ch. 5, Acts of 1997.

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

14 2-206.

15 (l) Bonds or notes issued by the Administration may be secured by a trust
16 agreement between the Administration and a trustee, which may be any trust
17 company, or bank having trust powers, within or without the State. Any trust
18 agreement, or any determination authorizing the issuance of bonds or notes, may
19 contain:

20 (4) Provisions as to custody, safeguarding, application, and investment of
21 funds of the Administration. The manner of and restrictions on investment of funds
22 shall be as the Administration provides, notwithstanding Article 95, § 22 of the Code
23 and §§ 6-202, 6-205, 6-206, [6-208,] 6-209, and 6-210 of the State Finance and
24 Procurement Article, which do not apply to banks or trust companies in the discharge
25 of duties under this section;

26 DRAFTER'S NOTE:

27 Error: Obsolete cross-reference in Article 83B, § 2-206(1)(4).

28 Occurred: As a result of Ch. 88, Acts of 1994.

29 2-208.

30 (f) A loan that the Administration makes to a mortgage lender shall be a
31 general obligation of the mortgage lender as to repayment of both principal and
32 interest and repayment of both principal and interest shall be secured additionally by
33 a pledge of and lien on collateral security, in an amount that the Administration by
34 regulation determines to be necessary to secure loans. The collateral security shall
35 consist of: (1) obligations of, or guaranteed by the United States, the State of
36 Maryland, or a political subdivision of the State; (2) obligations, satisfactory to the
37 Administration, issued by federal agencies or instrumentalities; (3) certificates of

1 deposit or time deposits or similar banking arrangements secured by obligations of, or
2 guaranteed by, the United States or the State of Maryland; or (4) mortgages insured
3 or guaranteed in whole or in part by the Maryland Housing Fund, a federal agency, or
4 a private insurer approved by the Administration, or other mortgages that the
5 Administration finds to be of reasonable comparable security. The Administration
6 shall require either that the collateral be held at a bank or trust company as
7 independent custodian or that the mortgage lender enter into a security agreement
8 that contains provisions that the Administration considers necessary to adequately
9 identify, maintain, and service the collateral. The security agreement shall provide
10 that the mortgage lender holds the collateral as an agent for the Administration and
11 is accountable as the trustee of an express trust for its application and disposition,
12 and shall apply the income from the collateral solely to uses and purposes in
13 accordance with the provisions of the agreement. A copy of each security agreement
14 shall be filed with the Secretary of State, and further filing or other action under the
15 Commercial Law Article or any other law of the State is not required to perfect the
16 security interest of the Administration in the collateral or its proceeds or in any
17 addition to or substitutions for it, and the lien and trust for the benefit of the
18 Administration so created is binding from and after the time of such filing against all
19 persons having claims of any kind against the mortgage lender. The Administration
20 also may establish additional requirements that it considers necessary with respect to
21 the pledging, assigning, setting aside, or holding of the collateral and the making of
22 substitutions for or additions to it and the disposition of interest and income from it.
23 Notwithstanding any other law, a loan to a mortgage lender and the collateral for it
24 are not subject to the provisions of Article 95, § 22 of the Code or §§ 6-202, 6-205,
25 6-206, [6-208,] 6-209, or 6-210 of the State Finance and Procurement Article.

26 DRAFTER'S NOTE:

27 Error: Obsolete cross-reference in Article 83B, § 2-208(f).

28 Occurred: As a result of Ch. 88, Acts of 1994.

29 2-313.

30 (a) Rehabilitation loans under the Multifamily Rehabilitation Program and
31 nonprofit rehabilitation loans shall be funded with moneys in the Rental Housing
32 Programs Fund, which fund shall be a continuing, nonlapsing special fund consisting
33 of:

34 (1) Moneys appropriated by the State for rental housing programs,
35 including the Rental Housing Production Program authorized by Subtitle 5 of this
36 title, the Elderly Rental Housing Program authorized by Subtitle 8 of this title, the
37 Nonprofit Rehabilitation Program authorized by § 2-305 of this subtitle, and the
38 Multifamily Rehabilitation Program as authorized by § 2-303 of this subtitle;

39 (2) Repayments and prepayments of loans made under such Program,
40 both prior to and after July 1, 1989; and

41 (3) Moneys transferred to the Fund in accordance with subsection [(j)]
42 (I) of this section and §§ 2-613(d), 2-708(d), 2-1006(d), and 4-207(d) of this article.

1 DRAFTER'S NOTE:

2 Error: Obsolete cross-references in Article 83B, § 2-313(a)(3).

3 Occurred: Cross-reference to subsection (j) is obsolete as a result of Ch.
4 439, Acts of 1994. Cross-reference to § 2-1006(e) is obsolete as a result of
5 Ch. 92, Acts of 1993. Correction by the publisher of the Annotated Code in
6 the 1998 Replacement Volume is validated by this Act.

7 2-606.

8 (a) For emergency assistance loans made under § 2-602(4) of this subtitle, an
9 applicant:

10 (1) Shall be likely to have to forfeit the title to the applicant's home;

11 (2) Shall be unable to keep payments on the applicant's home mortgage
12 current due to unforeseeable adverse personal or economic circumstances; and

13 (3) Reasonably may be expected to resume regular mortgage payments
14 within 24 months after the first mortgage assistance payment is provided.

15 (b) For emergency assistance loans made under § 2-602(4) of this subtitle:

16 (1) The Department shall consider the amount of equity in the property;
17 and

18 (2) The amount of the loan may not exceed an amount equal to 36
19 payments of principal and interest on the superior lien or liens and any:

20 (i) Late fees;

21 (ii) Taxes or insurance payments; or

22 (iii) Other fees and costs necessary to bring or keep the loan current.

23 DRAFTER'S NOTE:

24 Error: Obsolete cross-reference in Article 83B, § 2-606(a) and (b).

25 Occurred: As a result of Ch. 412, Acts of 1994. Correction by the
26 publisher of the Annotated Code in the 1998 Replacement Volume is
27 validated by this Act.

28 2-607.

29 For reverse equity loans made under § 2-602(5) of this subtitle, an applicant
30 shall:

31 (1) Be 62 years of age or older at the time the loan closes; and

1 (2) Need financial assistance with housing related expenses or personal
2 expenses which enable the owner to continue to occupy the home.

3 DRAFTER'S NOTE:

4 Error: Obsolete cross-reference in Article 83B, § 2-607.

5 Occurred: As a result of Ch. 412, Acts of 1994. Correction by the
6 publisher of the Annotated Code in the 1998 Replacement Volume is
7 validated by this Act.

8 2-611.

9 (b) A loan may provide for:

10 (1) Immediate acceleration of the loan indebtedness if a borrower
11 violates § 2-614 of this subtitle, or if the loan is in default;

12 (2) In the case of preferred interest rate loans under § 2-602(1) of this
13 subtitle, full acceleration of principal after 5 years if the borrower no longer qualifies
14 as a household of limited income and is able to qualify for conventional mortgage
15 financing;

16 (3) In the case of reverse equity loans made under § 2-602(5) of this
17 subtitle:

18 (i) Full or partial deferrals on payment of interest and principal
19 until sale, conveyance pursuant to a will or trust instrument, or other transfer of the
20 mortgaged property or a beneficial interest therein; and

21 (ii) Forgiveness of accrued interest in excess of the available equity
22 in the mortgaged property at the time of any such conveyance; and

23 (4) In the case of emergency assistance loans made under § 2-602(4) of
24 this subtitle, full or partial deferrals on payment of interest and principal until a
25 stated date at which it is reasonably anticipated that the borrower should be able to
26 make full or partial payments.

27 (f) (1) For preferred interest loans made under § 2-602(1) of this subtitle,
28 the amount of the loan and any prior recorded liens outstanding may not exceed the
29 value of the secured property plus settlement expenses as may be determined by the
30 Program at the time the loan is closed.

31 (2) For reverse equity loans made under § 2-602(5) of this subtitle, the
32 principal amount of the loan and any prior liens outstanding may not exceed the
33 appreciated value of the secured property as determined by the Program from time to
34 time.

35 (3) For short-term loans made under § 2-602(2) of this subtitle, the
36 amount of the loan may not exceed the amount of the total commitments for

1 permanent financing for buyers, including any commitments of federal, State, or local
2 funds to be used to subsidize the cost of the residential units.

3 DRAFTER'S NOTE:

4 Error: Erroneous cross-references in Article 83B, § 2-611(b)(3) and (f)(2).

5 Occurred: As a result of Ch. 412, Acts of 1994. Correction by the
6 publisher of the Annotated Code in the 1998 Replacement Volume is
7 validated by this Act.

8 2-1102.

9 (d) "Household of lower income" means:

10 (1) A household whose gross annual income, upon initial occupancy, does
11 not exceed 50 percent of the statewide median income for a household of like size or
12 such lesser income level as may be established for any particular project by the
13 Secretary of Housing and Community Development; and

14 (2) For the purpose of continuing occupancy, a household [whole]
15 WHOSE gross annual income does not exceed the greater of:

16 (i) 140 percent of initial occupancy limits for partnership projects
17 for the year of continuing occupancy; or

18 (ii) Any applicable federal requirement.

19 DRAFTER'S NOTE:

20 Error: Incorrect word usage in Article 83B, § 2-1102(d)(2).

21 Occurred: As a result of Ch. 127, Acts of 1994.

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

23 6A.

24 (c) (1) Prior to disclosing the information, the director or the Secretary shall
25 consult with the primary law enforcement agency and the State's Attorney's office
26 concerning whether disclosure of the information would jeopardize or prejudice any
27 related investigation or prosecution.

28 DRAFTER'S NOTE:

29 Error: Incorrect punctuation in Article 88A, § 6A(c)(1).

30 Occurred: Ch. 406, Acts of 1998. Correction by the publisher of the
31 Annotated Code in the 1998 Replacement Volume is validated by this Act.

1 52.

2 (g) (1) Savings shall be made available for reallocation as follows:

3 (i) 10% of the savings to a combination of the operating costs for
4 one or more of the following:

5 1. Demonstration projects created in § 53 of this subtitle;

6 2. Second chance homes not subject to the restrictions of § 12
7 of Chapter 351 of the Acts of the General Assembly of 1996; or

8 3. Demonstration projects to empirically evaluate a strategy
9 or set of strategies to reduce the incidence of nonmarital births in the State;

10 (ii) 45% of the savings to local departments, in accordance with the
11 savings achieved by each local department, for the purposes under subsection (f) of
12 this section; and

13 (iii) 45% of the savings for the purposes under subsection (f) of this
14 section.

15 (2) Notwithstanding § 7-302 of the State Finance and Procurement
16 Article, any of the savings allocated under this subsection that remain unexpended
17 after the current fiscal year may be carried over into the next fiscal year.

18 DRAFTER'S NOTE:

19 Error: Stylistic error in Article 88A, § 52(g).

20 Occurred: Ch. 637, Acts of 1998. Correction by the publisher of the
21 Annotated Code in the 1998 Replacement Volume is validated by this Act.

22 54.

23 (c) (1) Except as provided in paragraph (2) of this subsection, for each
24 taxable year, for the wages paid to each qualified employment opportunity employee,
25 a credit is allowed in an amount equal to:

26 (i) 30% of up to the first \$6,000 of the wages paid to the qualified
27 employment opportunity employee during the first year of employment; and

28 (ii) 20% of up to the first \$6,000 of the wages paid to the qualified
29 employment opportunity employee during the second year of employment.

30 DRAFTER'S NOTE:

31 Error: Stylistic error in Article 88A, § 54(c)(1).

32 Occurred: Chs. 598 and 599, Acts of 1998. Correction by the publisher of
33 the Annotated Code in the 1998 Replacement Volume is validated by this

1 Act.

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

3 34A.

4 (c) For the purposes of this section the retirement allowance referred to in
5 subsection (a) of this section, shall be that retirement allowance elected by the
6 member under § 31 of this article, exclusive of any additional voluntary annuity.
7 [This retirement allowance, however, shall not include the supplemental payments
8 made under § 31A of this article.]

9 34B.

10 Any person who, on July 1, 1973, is receiving a pension under the provisions of
11 §§ 31 or 34 of this article shall receive an additional amount equal to 11 percent of the
12 pension he or she received as of June 30, 1973. For the purpose of this section, the
13 pension upon which the additional amount is calculated does not include [the
14 supplementary payments made under § 31A or] the adjustment of retirement
15 allowance made under § 34A.

16 DRAFTER'S NOTE:

17 Error: Obsolete cross-reference in Article 88B, §§ 34A(c) and 34B.

18 Occurred: Chs. 459 and 460, Acts of 1973.

19 77.

20 (e) Expenditures from the Fund may only be made:

21 (2) By the budget amendment procedure provided for in § 7-209 of the
22 State Finance and Procurement Article, provided that:

23 (i) The budget amendment and supporting information have been
24 submitted to the budget committees for their review and comment; and

25 (ii) At least 45 days have elapsed from the time the budget
26 amendment and supporting information were submitted to the budget committees.

27 DRAFTER'S NOTE:

28 Error: Incorrect punctuation in Article 88B, § 77(e)(2).

29 Occurred: Ch. 488, Acts of 1998. Correction by the publisher of the
30 Annotated Code in the 1998 Replacement Volume is validated by this Act.

1

Article - Agriculture

2 2-708.2.

3 (c) (1) The Fund is a continuing, [nonlapsing,] revolving special fund to be
4 maintained by the State Treasurer.

5 DRAFTER'S NOTE:

6 Error: Extraneous and erroneous word in § 2-708.2(c)(1) of the
7 Agriculture Article.

8 Occurred: Ch. 416, Acts of 1998.

9 4-201.

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

11 (1) It bears or contains any poisonous or deleterious substance which
12 may render it injurious to health. However, if the substance is not an added
13 substance, the article shall not be considered adulterated if the quantity of the
14 substance in or on the article ordinarily does not render it injurious to health;

15 (2) Any substance is added to any poultry or poultry product so that the
16 poultry product bears or contains any added poisonous or deleterious substance
17 which, in the Department's judgment, makes the article unfit for human [food;]
18 FOOD, unless the added substance is (i) a pesticide chemical in or on a raw
19 agricultural commodity, (ii) a food additive, or (iii) a color [additive.] ADDITIVE;

20 (3) It is wholly or partially a raw agricultural commodity and the
21 commodity bears or contains a pesticide chemical which is unsafe within the meaning
22 of § 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 346a), unless the
23 substance is prohibited in official establishments by the departmental rules and
24 regulations;

25 (4) It bears or contains any food additive which is unsafe within the
26 meaning of § 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 348),
27 unless the substance is prohibited in official establishments by departmental rules
28 and regulations;

29 (5) It bears or contains any color additive which is unsafe within the
30 meaning of § 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 348),
31 unless the substance is prohibited in official establishments by departmental rules
32 and regulations;

33 (6) It wholly or partially consists of any filthy, putrid, or decomposed
34 substance or is for any other reason unsound, unhealthful, unwholesome, or
35 otherwise unfit for human food;

1 (7) It has been prepared, packed, or held under insanitary conditions
2 that may have caused it to become contaminated with filth, or that may have
3 rendered it injurious to health;

4 (8) It is wholly or partially, the product of any poultry which has died
5 other than by slaughter;

6 (9) Its container is composed, wholly or partially, of any poisonous or
7 deleterious substance which may render the contents injurious to health;

8 (10) It intentionally has been subjected to radiation, unless the use of
9 radiation was in conformity with a regulation or exemption in effect pursuant to § 409
10 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 348); or

11 (11) Any valuable constituent has been omitted or abstracted wholly or
12 partially from it; or if any substance has been substituted wholly or partially for it; or
13 if damage or inferiority has been concealed in any manner; or if any substance has
14 been added to it or mixed or packed with it so as to increase its bulk or weight, or
15 reduce its quality or strength, or make it appear better or of greater value than it is.

16 DRAFTER'S NOTE:

17 Error: Incorrect punctuation in § 4-201(b)(2) of the Agriculture Article.

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

19 [(a-1)] (AA) "Shipping container" means any container used or intended for use
20 in packaging the product packed in an immediate container.

21 DRAFTER'S NOTE:

22 Error: Stylistic error in § 4-201(a-1) of the Agriculture Article.

23 Occurred: Ch. 177, Acts of 1974.

24 5-109.

25 (c) A person may not add any substance to, or take any [substance, from]
26 SUBSTANCE FROM, a pesticide in a manner that may defeat the purpose of this
27 subtitle.

28 DRAFTER'S NOTE:

29 Error: Misplaced punctuation in § 5-109(c) of the Agriculture Article.

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

31 5-110.

32 (a) The following persons are not subject to any penalty for a violation of [§§
33 5-106] § 5-106 or [5-109] § 5-109:

1 (1) Any carrier while lawfully engaged in transporting a pesticide within
2 the State, if the carrier, upon request, permits the Secretary to copy any record
3 showing the transactions in and movement of any pesticide;

4 (2) Any public official of the State or the federal government engaged in
5 the performance of his official duty; or

6 (3) A manufacturer or shipper of a pesticide for experimental use only (i)
7 by or under the supervision of an agency of the State or of the federal government
8 authorized by law to conduct pesticide research, or (ii) by any other person if the
9 pesticide is not sold and if its container shows the manufacturer's name and address
10 and it is plainly and conspicuously marked "for experimental use only -- not to be
11 sold". However, if a written permit is obtained from the Secretary, the pesticide may
12 be sold for experimental purposes subject to any restriction set forth in the permit.

13 DRAFTER'S NOTE:

14 Error: Stylistic error in § 5-110(a) of the Agriculture Article.

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

16 8-704.2.

17 (e) The Department of Agriculture shall adopt regulations authorizing the
18 disbursement of cost-share matching funds consistent with the purposes of the [Pilot
19 Program] PILOT PROJECT.

20 DRAFTER'S NOTE:

21 Error: Misnomer in § 8-704.2(e) of the Agriculture Article.

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

23 9-201.

24 [(a-1)] (AA) "Vegetable or herb seed" includes the seed, tuber, or plant of those
25 crops grown in gardens or on truck farms and generally known and sold under the
26 name of vegetable seed in the State.

27 [(a-2)] (BB) "Weed seed" includes the seeds or bulblets of any plant generally
28 recognized as a weed in the State, including any noxious weed seed.

29 [(a-3)] (CC) "Wholesale seedsmen" includes any person who sells, or offers,
30 exposes, or transports for sale seed for planting purposes to a retail seedsman.

31 DRAFTER'S NOTE:

32 Error: Stylistic error in § 9-201 of the Agriculture Article.

33 Occurred: Ch. 177, Acts of 1974.

Article - Business Occupations and Professions

1-101.

(e) "Partnership" includes a partnership registered as a limited liability partnership authorized by Title 9 or Title 9A of the Corporations and Associations Article.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 1-101(e) of the Business Occupations and Professions Article.

Occurred: Ch. 743, Acts of 1998. Correction by the publisher of the Annotated Code in the 1998 Supplement of the Business Occupations and Professions Article is validated by this Act.

4-306.

(b) The Board may grant a waiver under this section only if:

(1) the applicant pays the application fee set by the Board under § 4-206 and any applicable examination fee required under § 4-303 of this subtitle for any examination requirement that is not waived by the Board;

(2) the applicant provides adequate evidence that the applicant:

(i) meets the qualifications otherwise required by this subtitle; and

(ii) became licensed in the other state after passing, in that or any other state, an examination that is similar to the examination for which the applicant is seeking the waiver;

(3) the applicant practiced barbering in the other state as a master barber or barber during the 2 years immediately before applying in this State;

(4) the applicant provides:

(i) a notarized statement from a previous employer certifying that the applicant has the experience required under item (3) of this subsection; or

(ii) if the applicant was self-employed, other proof that is acceptable to the Board;

(5) the applicant submits a letter from the licensing board of the other state certifying that the applicant is in good standing with the board of the other state; AND

(6) the applicant certifies in writing that the applicant has read, understands, and will comply with the provisions of this title and the regulations of the Board.

1 DRAFTER'S NOTE:

2 Error: Omitted conjunction in § 4-306(b)(5) of the Business Occupations
3 and Professions Article.

4 Occurred: Ch. 479, Acts of 1991.

5 5-314.

6 (e) (1) The Board shall commence proceedings under this section on a
7 complaint to the Board by a member of the Board or any person.

8 [(1)] (2) A complaint shall:

9 (i) be in writing;

10 (ii) be signed by the complainant;

11 (iii) state specifically the facts on which the complaint is based;

12 (iv) be submitted to the Executive Director of the Board; and

13 (v) be served on the person to whom it is directed:

14 1. personally; or

15 2. by certified mail, return receipt requested, bearing a
16 postmark from the United States Postal Service, to the person's last known address
17 as shown on the Board's records.

18 [(2)] (3) If service is made by certified mail, the person who mails the
19 document shall file with the Board verified proof of mailing.

20 DRAFTER'S NOTE:

21 Error: Stylistic error in § 5-314(e) of the Business Occupations and
22 Professions Article.

23 Occurred: Ch. 481, Acts of 1991.

24 10-605.1.

25 (b) A lawyer may not send a communication, directly or through an agent, to a
26 prospective client for the purpose of obtaining professional employment if the
27 communication concerns an action for personal injury or wrongful death, or otherwise
28 relates to an accident or disaster involving the person to whom the communication is
29 sent or the person's relative, unless the accident or disaster occurred more than 30
30 days before the date the communication is sent.

31 (c) This section does not apply to a communication sent by a lawyer to a
32 prospective client at the request of the prospective client.

1 DRAFTER'S NOTE:

2 Error: Stylistic error in § 10-605.1(b) and (c) of the Business
3 Occupations and Professions Article.

4 Occurred: Ch. 489, Acts of 1998. Correction by the publisher of the
5 Annotated Code in the 1998 Supplement of the Business Occupations and
6 Professions Article is validated by this Act.

7 15-101.

8 (g) (1) "Practice land surveying" means any service, work, documentation,
9 or practice, the performance or preparation of which requires the application of
10 special knowledge of the principles of mathematics, the related physical and applied
11 sciences, and the requirements of the relevant law, as applied to:

12 (vi) in conjunction with the site development or subdivision of land,
13 the preparation and design of plans for the following projects, provided that such
14 preparation and design are in accordance with design manuals, details, and
15 standards accepted by the State or local authority:

- 16 1. road and street grades;
- 17 2. sediment and erosion control measures;
- 18 3. nonpressurized closed storm drainage and stormwater
19 management systems; and
- 20 4. open conduit storm drainage and [storm water]
21 STORMWATER management systems.

22 DRAFTER'S NOTE:

23 Error: Misspelling in § 15-101(g)(1)(vi)4 of the Business Occupations
24 and Professions Article.

25 Occurred: Ch. 719, Acts of 1998.

26 17-530.

27 (b) (5) The written disclosure shall explain:

28 (i) the differences between a seller's agent, buyer's agent,
29 cooperating agent, dual agent, and intra-company agent;

30 (ii) the duties of a licensee to exercise reasonable care and diligence
31 and maintain confidentiality;

32 (iii) that a licensee who assists a buyer or lessee in locating
33 residential real estate for purchase or lease and is neither affiliated with nor acting as
34 the listing real estate broker for any real estate shown or located, is presumed to be

1 acting as a buyer's agent on behalf of the prospective buyer or lessee, unless either the
2 licensee or the prospective buyer or lessee expressly declines to have the licensee act
3 as a buyer's agent;

4 (iv) that regardless of [who] WHOM a licensee represents in a real
5 estate transaction, the licensee has a duty to treat each party fairly, promptly present
6 each written offer and counteroffer, respond truthfully to each question, disclose all
7 material facts that are known or should be known relating to a property, and offer
8 each property without discrimination;

9 (v) that a licensee is qualified to advise only on real estate matters
10 and that legal or tax advice should be obtained from a licensed attorney or
11 accountant;

12 (vi) the need for an agreement with a seller's agent, buyer's agent,
13 or dual agent to be in writing and to include the duties and obligations of the agent,
14 how and by whom the agent will be compensated, and any fee-sharing arrangements
15 with other agents;

16 (vii) the duty of a buyer's agent to assist in the:

17 1. evaluation of a property, including the provision of a
18 market analysis of the property; and

19 2. preparation of an offer on a property and to negotiate in
20 the best interests of the buyer;

21 (viii) the possibility that a dual agency may arise in a real estate
22 transaction and the options that would become available to the buyer and seller or
23 lessee and lessor; and

24 (ix) that any complaints concerning a licensee may be filed with the
25 State Real Estate Commission.

26 DRAFTER'S NOTE:

27 Error: Grammatical error in § 17-530(b)(5)(iv) of the Business
28 Occupations and Professions Article.

29 Occurred: Ch. 719, Acts of 1994.

30 17-531.

31 This Part III of this subtitle does not prohibit a licensee and a client from
32 entering a brokerage agreement that imposes on a licensee duties and obligations in
33 addition to the duties and obligations specified in § 17-532 of this subtitle.

34 DRAFTER'S NOTE:

35 Error: Erroneous cross-reference in § 17-531 of the Business
36 Occupations and Professions Article.

1 Occurred: Ch. 628, Acts of 1998. Correction by the publisher of the
2 Annotated Code in the 1998 Supplement of the Business Occupations and
3 Professions Article is validated by this Act.

4 17-532.

5 (a) In this section, "client" includes a prospective buyer or lessee under a
6 presumed buyer's agency relationship or a presumed lessee's agency relationship as
7 described in § 17-533 of this subtitle.

8 DRAFTER'S NOTE:

9 Error: Erroneous cross-reference in § 17-532(a) of the Business
10 Occupations and Professions Article.

11 Occurred: Ch. 628, Acts of 1998. Correction by the publisher of the
12 Annotated Code in the 1998 Supplement of the Business Occupations and
13 Professions Article is validated by this Act.

14 (c) (1) A licensee shall:

15 (i) act in accordance with the terms of the brokerage agreement;

16 (ii) promote the interests of the client by:

17 1. seeking a sale or lease of real estate at a price or rent
18 specified in the brokerage agreement or at a price or rent acceptable to the client;

19 2. seeking a sale or lease of real estate on terms specified in
20 the brokerage agreement or on terms acceptable to the client; and

21 3. unless otherwise specified in the brokerage agreement,
22 presenting in a timely manner all written offers or counteroffers to and from the
23 client, even if the real estate is subject to an existing contract of sale or lease;

24 (iii) disclose to the client all material facts as required under §
25 17-322 of this title;

26 (iv) treat all parties to the transaction honestly and fairly and
27 answer all questions truthfully;

28 (v) in a timely manner account for all trust money received;

29 (vi) exercise reasonable care and diligence; and

30 (vii) comply with all:

31 1. requirements of this title;

32 2. applicable federal, State, and local fair housing laws and
33 regulations; and

1

Article - Business Regulation

2 6-205.

3 (c) A settlement agreement under subsection (b)(1) OF THIS SECTION may
4 include one or more of the following stipulations or conditions:

5 (1) payment by the apparent violator of the cost of the investigation;

6 (2) payment by the apparent violator of civil penalties a court could order
7 under this title;

8 (3) payment by the apparent violator of refunds to donors a court could
9 order under this title;

10 (4) payment by the apparent violator of contributions received to
11 charitable beneficiaries or for charitable purposes consistent with the beneficiaries
12 named or purposes represented in the charitable solicitations which generated the
13 contributions; or

14 (5) any other stipulation, condition, or remedy that will correct a
15 violation of this title.

16 DRAFTER'S NOTE:

17 Error: Stylistic error in § 6-205(c) of the Business Regulation Article.

18 Occurred: Ch. 371, Acts of 1996.

19 6-609.

20 (a) Unless authorized by a charitable organization, a person may not:

21 (1) represent that a charitable contribution is requested for the
22 charitable organization; OR

23 (2) use a name, symbol, emblem, device, service mark or printed matter
24 that belongs to or is associated with the charitable organization to solicit charitable
25 contributions.

26 DRAFTER'S NOTE:

27 Error: Omitted conjunction in § 6-609(a)(1) of the Business Regulation
28 Article.

29 Occurred: Ch. 4, Acts of 1992.

30 8-101.

31 (g) (1) "Home improvement" means:

1 (i) the addition to or alteration, conversion, improvement,
2 modernization, remodeling, repair, or replacement of a building or part of a building
3 that is used or designed to be used as a residence OR DWELLING PLACE or a structure
4 adjacent to that building; or

5 (ii) an improvement to land adjacent to the building.

6 DRAFTER'S NOTE:

7 Error: Omitted words in § 8-101(g)(1)(i) of the Business Regulation Article.

8 Occurred: Ch. 4, Acts of 1992.

9 8-303.

10 (d) If the applicant is applying for a [contractor's] CONTRACTOR license, the
11 applicant shall:

12 (1) have submitted to the Commission, by a credit reporting agency
13 approved by the Commission, a credit report that contains the information required
14 by the Commission; or

15 (2) have paid to the Commission or the Commission's designee a credit
16 report fee in an amount not to exceed the cost charged by a credit reporting agency
17 approved by the Commission to obtain a credit report that contains the information
18 required by the Commission.

19 (f) Notwithstanding subsection (a) of this section, an applicant that is
20 incorporated or has its principal office in another state shall pay to the Commission
21 the fee imposed in that state on a similar nonresident business if that fee is higher
22 than the application fee under subsection (a) of this section.

23 DRAFTER'S NOTE:

24 Error: Inconsistent terminology in § 8-303(d) and incorrect word in §
25 8-303(f) of the Business Regulation Article.

26 Occurred: Ch. 49, Acts of 1998. Correction of § 8-303(f) by the publisher of
27 the Annotated Code in the 1998 Supplement of the Business Regulation
28 Article is validated by this Act.

29 8-308.

30 (e) For renewal of a [contractor's] CONTRACTOR license, the licensee shall:

31 (1) submit to the Commission, by a credit reporting agency approved by
32 the Commission, a credit report that contains the information required by the
33 Commission; or

34 (2) pay to the Commission or the Commission's designee a credit report
35 fee in an amount not to exceed the cost charged by a credit reporting agency approved

1 by the Commission to obtain a credit report that contains the information required by
2 the Commission for renewal of a [contractor's] CONTRACTOR license.

3 DRAFTER'S NOTE:

4 Error: Inconsistent terminology in § 8-308(e) of the Business Regulation
5 Article.

6 Occurred: Ch. 49, Acts of 1998.

7 8-405.

8 (f) (2) An owner may make a claim against the Fund only if the owner:

9 (i) resides in the home as to which the claim is made; or

10 (ii) does not own more than 3 RESIDENCES OR dwelling places.

11 DRAFTER'S NOTE:

12 Error: Omitted words in § 8-405(f)(2)(ii) of the Business Regulation
13 Article.

14 Occurred: Ch. 4, Acts of 1992.

15 14-113.1.

16 (e) (1) A business opportunity offering registration becomes effective at
17 midnight on the 10th business day after the day on which the seller files all required
18 documents for registration, provided that no order has been passed or proceeding is
19 pending under § 14-119 of this subtitle.

20 DRAFTER'S NOTE:

21 Error: Erroneous cross-reference in § 14-113.1(e)(1) of the Business
22 Regulation Article.

23 Occurred: Ch. 517, Acts of 1996. Correction by the publisher of the
24 Annotated Code in the 1998 Replacement Volume of the Business
25 Regulation Article is validated by this Act.

26 **Article - Commercial Law**

27 12-407.1.

28 (b) The form shall state that the forfeiture of rights includes:

29 (1) The borrower's right to pay a loan origination fee [not exceeding the
30 greater of \$500 or 4 percent of the net proceeds of a commercial loan or \$250 or 2
31 percent of any other secondary mortgage loan] THAT, WHEN COMBINED WITH ANY

1 FINDER'S FEE IMPOSED BY A MORTGAGE BROKER UNDER § 12-804 OF THIS TITLE,
2 DOES NOT EXCEED THE GREATER OF:

3 (I) \$500 OR 10 PERCENT OF THE NET PROCEEDS OF A COMMERCIAL
4 LOAN OF \$75,000 OR LESS MADE UNDER THIS SUBTITLE; OR

5 (II) \$250 OR 10 PERCENT OF THE NET PROCEEDS OF ANY OTHER
6 LOAN MADE UNDER THIS SUBTITLE;

7 DRAFTER'S NOTE:

8 Error: Obsolete reference to permissible fees and interest rate charges in
9 § 12-407.1(b)(1) of the Commercial Law Article, as noted in a November
10 20, 1998 memorandum issued by Thomas L. Gounaris, Esq., Office of the
11 Attorney General, Department of Labor, Licensing, and Regulation. The
12 change conforms the interest rate and fee charges permitted under §
13 12-407.1 of the Commercial Law Article to the fees that now are allowed
14 under § 12-405(a) of the Commercial Law Article as a result of legislation
15 enacted during the 1998 General Assembly Session.

16 Occurred: As a result of Chs. 760 and 761, Acts of 1998.

17 12-630.

18 (a) Except as provided by subsections (b) and (c) of this section, a holder may
19 not collect or receive any finance, delinquency, or collection charge from the buyer if:

20 (1) The agreement does not contain the information required by §§
21 12-604 through 12-606 of this subtitle;

22 (2) The seller fails to deliver to the buyer a required copy of the
23 agreement; or

24 (3) The agreement contains a finance charge in excess of the applicable
25 charge permitted by [§§ 12-609 or 12-610] § 12-609 OR § 12-610 of this subtitle.

26 (c) [(1)] If the seller or any subsequent holder unintentionally and in good
27 faith fails to comply with any provision of §§ 12-609 through 12-612 of this subtitle,
28 the holder may correct the error within 10 days after:

29 [(i)] (1) He notices it; or

30 [(ii)] (2) The buyer notifies him in writing of the error.

31 DRAFTER'S NOTE:

32 Error: Stylistic errors in § 12-630(a)(3) and (c) of the Commercial Law
33 Article.

34 Occurred: Ch. 49, Acts of 1975.

1 13-301.

2 Unfair or deceptive trade practices include any:

3 (15) [Any act] ACT or omission that relates to a residential building and
4 that is chargeable as a misdemeanor under or otherwise violates a provision of the
5 Energy Conservation Building Standards Act, Title 7, Subtitle 4 of the Public Utility
6 Companies Article.

7 DRAFTER'S NOTE:

8 Error: Extraneous word in § 13-301(15) of the Commercial Law Article.

9 Occurred: Ch. 502, Acts of 1981.

10 15-802.

11 (e) (1) It shall be a complete defense to any action brought under this
12 section by any holder of a dishonored check or other instrument that, within 30 days
13 from the mailing of the notice of dishonor, the maker or drawer has paid to the holder
14 the full amount of the check or other instrument and collection costs of not more than
15 \$25.

16 (2) It shall be a complete defense to any action brought under this
17 section by a holder to whom a dishonored check or other instrument was issued that
18 the dishonor of the check or other instrument was due to a justifiable stop payment
19 order or to the attachment of the account.

20 (3) In any action brought under this section by a holder or holder in due
21 course to whom a dishonored check or other instrument was negotiated, the action is
22 subject to all valid defenses that may be raised by the maker or drawer against the
23 holder or holder in due course under Title 3 of this article.

24 DRAFTER'S NOTE:

25 Error: Incorrect word usage in § 15-802(e)(2) of the Commercial Law
26 Article.

27 Occurred: Ch. 682, Acts of 1998. Correction by the publisher of the
28 Annotated Code in the 1998 Supplement of the Commercial Law Article is
29 validated by this Act.

30 **Article - Corporations and Associations**

31 1-502.

32 (e) The name of a limited liability limited partnership must include:

33 (1) The words "limited liability limited partnership";

34 (2) "L.L.L.P."; or

1 (3) "LLLP".

2 DRAFTER'S NOTE:

3 Error: Omitted semicolon in § 1-502(e)(2) of the Corporations and
4 Associations Article.

5 Occurred: Ch. 222, Acts of 1998. Correction by the publisher of the
6 Annotated Code in the 1998 Supplement of the Corporations and
7 Associations Article is validated by this Act.

8 10-805.

9 (a) A limited partnership may register as a limited liability partnership under
10 § 9-801 OR § 9A-1001 of this article by:

11 (1) Including, in the limited partnership's certificate of limited
12 partnership filed under § 10-201 of this title or in an amendment of its certificate of
13 limited partnership filed under § 10-202 of this title, the information described in §
14 9-801(a) of this article; and

15 (2) Using a name that complies with the requirements of Title 1, Subtitle
16 5 of this article.

17 DRAFTER'S NOTE:

18 Error: Incomplete cross-reference in § 10-805(a) of the Corporations and
19 Associations Article.

20 Occurred: As a result of Ch. 743, Acts of 1998.

21 **Article - Courts and Judicial Proceedings**

22 2-309.

23 (1) (3) All full-time civilian employees are subject to the county personnel
24 regulations with regard to qualifications for hiring, promotion, compensation and
25 disciplinary action. All deputy sheriffs, except the chief deputy, are subject to the
26 county personnel regulations with regard to qualifications for hiring, promotion and
27 compensation with regard to matters not covered by the Law Enforcement Officers'
28 Bill of Rights.

29 DRAFTER'S NOTE:

30 Error: Stylistic error in § 2-309(1)(3) of the Courts Article.

31 Occurred: Ch. 78, Acts of 1989. Correction by the publisher of the
32 Annotated Code in the 1998 Replacement Volume of the Courts Article is
33 validated by this Act.

1 2-601.

2 (b) Except as otherwise provided by law, the clerical, administrative, and
3 [constabular] CONSTABULARY employees of the District Court shall be appointed by
4 the Chief Judge of the District Court on the recommendation of the administrative
5 judge for the district and shall be in the personnel system of the Judicial Branch.

6 DRAFTER'S NOTE:

7 Error: Incorrect word usage in § 2-601(b) of the Courts Article.

8 Occurred: Ch. 423, Acts of 1971.

9 2-607.

10 (a) (1) The administrative judge of each district, with the approval of the
11 Chief Judge of the District Court, may appoint the number of commissioners
12 necessary to perform the functions of the office within each county.

13 (2) In multicounty districts, the administrative judge shall obtain the
14 recommendation of the resident judge in each county as to the number of
15 commissioners required in the county and as to the persons to be appointed.

16 DRAFTER'S NOTE:

17 Error: Stylistic error in § 2-607(a)(2) of the Courts Article.

18 Occurred: Ch. 2, Acts of 1973, First Special Session. Correction by the
19 publisher of the Annotated Code in the 1998 Replacement Volume of the
20 Courts Article is validated by this Act.

21 3-2A-07.

22 (a) If the arbitration panel finds that the conduct of any party in maintaining
23 or defending any action is in bad faith or without substantial justification, the panel
24 may require the offending party, the attorney advising the conduct, or both, to pay to
25 the adverse party the costs of the proceeding and reasonable expenses, including
26 reasonable attorney's fees, incurred by the adverse party in opposing it. A
27 determination made under [the] THIS subsection shall become part of the panel
28 award and subject to judicial review.

29 DRAFTER'S NOTE:

30 Error: Incorrect word usage in § 3-2A-07(a) of the Courts Article.

31 Occurred: Ch. 640, Acts of 1986.

32 3-812.1.

33 (a) In a petition alleging that a child is in need of assistance, the local
34 department may request the court to find that reasonable efforts to reunify the child

1 with the child's natural parent or guardian are not required if the local department
2 determines that a natural parent has:

3 (1) Subjected the child to:

4 (i) Torture, chronic abuse, or sexual abuse; or

5 (ii) Chronic and life-threatening neglect;

6 (2) Been convicted:

7 (i) In this State of a crime of violence, as defined in Article 27, §
8 643B of the Code, against the child, the other natural parent of the child, another
9 child of the natural parent, or any person who resides in the household of the natural
10 parent;

11 (ii) In any state or in any court of the United States of a crime that
12 would be a crime of violence, as defined in Article 27, § 643B of the Code, if committed
13 in this State against the child, the other natural parent of the child, another child of
14 the natural parent, or any person who resides in the household of the natural parent;
15 or

16 (iii) Of aiding or abetting, conspiring, or soliciting to commit a crime
17 described in [item a or item b of this item] SUBPARAGRAPH (I) OR (II) OF THIS
18 PARAGRAPH; or

19 (3) Involuntarily lost parental rights of a sibling of a child.

20 DRAFTER'S NOTE:

21 Error: Erroneous internal references in § 3-812.1(a)(2)(iii) of the Courts
22 Article.

23 Occurred: Ch. 539, Acts of 1998.

24 3-904.

25 (d) The damages awarded under subsection (c) OF THIS SECTION are not
26 limited or restricted by the "pecuniary loss" or "pecuniary benefit" rule but may
27 include damages for mental anguish, emotional pain and suffering, loss of society,
28 companionship, comfort, protection, marital care, parental care, filial care, attention,
29 advice, counsel, training, guidance, or education where applicable for the death of:

30 (1) A spouse;

31 (2) A minor child;

32 (3) A parent of a minor child; or

33 (4) An unmarried child who is not a minor child if:

1 (i) The child is 21 years old or younger; or

2 (ii) A parent contributed 50 percent or more of the child's support
3 within the 12-month period immediately before the date of death of the child.

4 (e) For the death of a child, who is not described under subsection (d) of this
5 section, or a parent of a child, who is not a minor child, the damages awarded under
6 subsection (c) OF THIS SECTION are not limited or restricted by the "pecuniary loss" or
7 "pecuniary benefit" rule but may include damages for mental anguish, emotional pain
8 and suffering, loss of society, companionship, comfort, protection, care, attention,
9 advice, counsel, training, education, or guidance where applicable.

10 DRAFTER'S NOTE:

11 Error: Incomplete internal reference in § 3-904(d) and (e) of the Courts
12 Article.

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

14 4-302.

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

18 DRAFTER'S NOTE:

19 Error: Extraneous comma in § 4-302(a) of the Courts Article.

20 Occurred: Chs. 372 and 373, Acts of 1997.

21 5-103.

22 (b) (1) This section does not affect the common-law doctrine of prescription
23 as it applies to the creation of incorporeal interests in land by adverse use[;].

24 (2) This section does not affect the periods of limitations set forth in §
25 6-103 or § 8-107 of the Real Property Article.

26 DRAFTER'S NOTE:

27 Error: Incorrect punctuation in § 5-103(b)(1) of the Courts Article.

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

29 5-304.

30 (b) (1) Except in Anne Arundel County, Baltimore County, Harford County,
31 and Prince George's County, the notice shall be given in person or by certified mail,
32 return receipt requested, bearing a postmark from the United States Postal Service,

1 by the claimant or the representative of the claimant, to the county commissioner,
2 county council, or corporate authorities of a defendant local government, or:

- 3 (i) In Baltimore City, to the City Solicitor;
4 (ii) In Howard County, to the County Executive; AND
5 (iii) In Montgomery County, to the County Executive.

6 DRAFTER'S NOTE:

7 Error: Omitted conjunction in § 5-304(b)(1)(ii) of the Courts Article.

8 Occurred: Ch. 594, Acts of 1987.

9 5-413.

10 (b) The immunity provided under this section shall apply to the participation
11 in any organization that consists of one or more other [state] STATE associations or
12 corporations that have purposes similar to the Life and Health Insurance Guaranty
13 Corporation, and to any such organization and its agents or employees.

14 DRAFTER'S NOTE:

15 Error: Capitalization error in § 5-413(b) of the Courts Article.

16 Occurred: Ch. 203, Acts of 1995.

17 8-210.

18 (b) Any person summoned for jury service may be excused from a particular
19 jury:

20 (1) In accordance with rule or law if more jurors are summoned than are
21 required to be impaneled in a particular case;

22 (2) By the court after a determination that the person may be unable to
23 render impartial jury service or that his service would be likely to disrupt the
24 proceedings;

25 (3) By the court after a determination that the juror's service may
26 threaten the secrecy of the proceedings or otherwise adversely affect the integrity of
27 the jury deliberations; but a person may not be excused on this ground unless the
28 court states on the record its reasons for the excuse and its determination that the
29 excuse is warranted and will not be inconsistent with §§ 8-102 and 8-103 of this title;

30 (4) By a party upon peremptory challenge as provided by rule or law; OR

31 (5) By the court upon a challenge by a party for good cause shown.

32 DRAFTER'S NOTE:

1 Error: Omitted conjunction in § 8-210(b)(4) of the Courts Article.

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

3 9-121.

4 (a) (3) "Licensed[,] certified social worker" means any person licensed as a
5 certified social worker under Title 19 of the Health Occupations Article.

6 DRAFTER'S NOTE:

7 Error: Extraneous comma in § 9-121(a)(3) of the Courts Article.

8 Occurred: Ch. 531, Acts of 1983.

9 10-408.

10 (h) The contents of any intercepted wire, oral, or electronic communication or
11 evidence derived therefrom may not be received in evidence or otherwise disclosed in
12 any trial, hearing, or other proceeding in the courts of this State unless each party,
13 not less than 10 days before the trial, hearing, or proceeding, has been furnished with
14 a copy of the court order, and accompanying application, under which the interception
15 was authorized. Where no application or order is required under the provisions of this
16 subtitle, each party, not less than 10 days before the trial, [hearing] HEARING, or
17 proceeding, shall be furnished with information concerning when, where and how the
18 interception took place and why no application or order was required. This 10-day
19 period may be waived by the judge if he finds that it was not possible to furnish the
20 party with the above information 10 days before the trial, hearing, or proceeding and
21 that the party will not be prejudiced by the delay in receiving the information.

22 DRAFTER'S NOTE:

23 Error: Omitted comma in § 10-408(h) of the Courts Article.

24 Occurred: Ch. 692, Acts of 1977.

25 **Article - Education**

26 7-303.

27 (e) By no later than September 1, 1995, the State Board shall adopt
28 regulations to ensure that information obtained by a local superintendent under
29 subsections (b) and (c) of this section is:

30 (1) Used to provide appropriate educational programming and related
31 services to the child and to maintain a safe and secure school environment for
32 students and school personnel; and

1 (2) Transmitted only to the school principal of the school in which the
2 child is enrolled and other school personnel necessary to carry out the purposes set
3 forth in [subsection (e)(1) of this section] ITEM (1) OF THIS SUBSECTION.

4 DRAFTER'S NOTE:

5 Error: Stylistic error in § 7-303(e)(2) of the Education Article.

6 Occurred: Chs. 111 and 112, Acts of 1995.

7 12-106.

8 (a) (1) In consultation with the Presidents of the constituent institutions,
9 the Chancellor shall develop an overall plan that:

10 (i) Is consistent with the statewide plan for higher education in
11 accordance with the Charter and with the mission statements approved by the
12 Commission;

13 (ii) Sets forth both long-range and short-range goals, objectives,
14 and priorities for postsecondary education, research, and service provided by the
15 University System of Maryland and methods and guidelines for achieving and
16 maintaining them;

17 (iii) Enhances the mission of the University of Maryland, College
18 Park as the State's flagship campus with programs and faculty nationally and
19 internationally recognized for excellence in research and the advancement of
20 knowledge;

21 (iv) Maintains a coordinated Higher Education Center for Research
22 and Graduate and Professional Study in the Baltimore area;

23 (v) Recognizes the need to enhance its historically African
24 American institutions;

25 (vi) Affirms the need for increased access for
26 [economically-disadvantaged] ECONOMICALLY DISADVANTAGED and minority
27 students;

28 (vii) Encourages and supports high quality undergraduate and
29 teacher preparation programs on its campuses;

30 (viii) Stimulates outreach to the community and the State through
31 close relationships with public elementary and secondary schools, business and
32 industry, and governmental agencies; and

33 (ix) Addresses and responds to continuing higher education needs in
34 order to maintain an educated work force in Maryland.

35 DRAFTER'S NOTE:

1 Error: Unnecessary hyphen in § 12-106(a)(1)(vi) of the Education Article.

2 Occurred: Ch. 246, Acts of 1988.

3 13-301.

4 (k) "Medical system" means the University Medical System, consisting of
5 those health care delivery components of the University [of] THAT ARE IN Baltimore
6 City rendering patient care services and more particularly identified by the Board of
7 Public Works at the time of conveying medical system assets to the Medical System
8 Corporation, including University Hospital, the University Cancer Center, and the
9 clinical component of the Institute.

10 DRAFTER'S NOTE:

11 Error: Ambiguous preposition in § 13-301(k) of the Education Article.

12 Occurred: Ch. 288, Acts of 1984.

13 13-303.

14 (l) The Board of Directors shall insure that the medical system shall continue
15 to make available medical services to residents of various State institutions whose
16 residents prior to the effective date of this legislation were served by the Hospital,
17 including State residential centers for the mentally retarded, State mental hygiene
18 facilities and facilities run by the State Division of [Corrections] CORRECTION, as
19 long as the administrators of those institutions continue to seek care from the
20 Hospital for their residents in accordance with policies and legislative intent
21 incorporated in the State budget. The Hospital is to be compensated by the
22 institutions or other payors for this care in accordance with policies of the State
23 Health Services Cost Review Commission or other relevant authority.

24 DRAFTER'S NOTE:

25 Error: Incorrect nomenclature in § 13-303(l) of the Education Article.

26 Occurred: Ch. 288, Acts of 1984.

27 13-802.

28 (c) The College shall be operated under the terms and conditions agreed to in:

29 (1) The Agreement of Regional Cooperation between the State of
30 Maryland and the Commonwealth of Virginia, dated February 14, 1980; and

31 (2) The Agreement between Virginia Polytechnic Institute and State
32 University and the University of Maryland, College Park for a regional program in
33 veterinary medical education, dated September 27, 1989.

34 DRAFTER'S NOTE:

1 Error: Omitted word in § 13-802(c)(1) of the Education Article.

2 Occurred: Ch. 642, Acts of 1998. Correction by the publisher of the
3 Annotated Code in the 1998 Supplement of the Education Article is
4 validated by this Act.

5 18-704.

6 (a) (4) "Handicapped child" has the meaning set forth in § 8-401 of this
7 [title] ARTICLE.

8 (b) (1) Economic Development Student Assistance Grants may be awarded
9 as tuition assistance grants to train physical therapists, physical [therapy]
10 THERAPIST assistants, occupational therapists, and occupational therapy assistants.

11 (2) The Commission shall adopt guidelines or regulations to determine
12 academic criteria for selection of recipients from eligible applicants.

13 DRAFTER'S NOTE:

14 Error: Incorrect nomenclature in § 18-704(a)(4) and (b)(1) of the
15 Education Article.

16 Occurred: Ch. 462, Acts of 1991.

17 18-2001.

18 In this subtitle the following words have the meanings indicated.

19 (1) "ADMINISTRATION" MEANS THE STATE SCHOLARSHIP
20 ADMINISTRATION AS DEFINED IN § 18-101(B) OF THIS TITLE.

21 [(1)] (2) "Regular undergraduate program" means an academic program
22 of study in an institution of higher education at or below the baccalaureate level
23 leading to either an associate's degree or bachelor's degree.

24 [(2)] (3) (i) "Service obligation" means employment in the State in an
25 occupation directly related to the eligible program of study as determined by the
26 Maryland Higher Education Commission.

27 (ii) "Service obligation" does not mean paid student internships,
28 paid fellowships, or volunteer service.

29 [(iii) "Administration" means the State Scholarship Administration
30 as defined in § 18-101(b) of this title.]

31 DRAFTER'S NOTE:

32 Error: Incorrect numbering in § 18-2001 of the Education Article.

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

1 24-204.

2 (c) (2) All other employees of the Commission are in the executive service,
3 management service, or are special appointments in the State Personnel
4 Management System.

5 DRAFTER'S NOTE:

6 Error: Incorrect punctuation in § 24-204(c)(2) of the Education Article.

7 Occurred: Ch. 579, Acts of 1998. Correction by the publisher of the
8 Annotated Code in the 1998 Supplement of the Education Article is
9 validated by this Act.

10 24-504.

11 (b) The Commission may:

12 (1) Make contracts or other legal agreements or arrangements necessary
13 or incidental to the exercise of its powers and performance of its duties;

14 (2) Sue and be sued;

15 (3) Implead and be impleaded;

16 (4) Complain and defend in all courts [of law];

17 (5) Adopt and alter an official seal; and

18 (6) Adopt bylaws, rules and guidelines to regulate its affairs and the
19 conduct of its business.

20 DRAFTER'S NOTE:

21 Error: Obsolete reference in § 24-504(b)(4) of the Education Article.

22 Occurred: Ch. 21, Acts of 1998.

23 **Article - Environment**

24 4-103.

25 (c) Each soil conservation district may recommend a fee system to cover the
26 cost of reviewing the grading and sediment control plans. Subject to § 8-311 of the
27 Agriculture Article, any recommended fee shall take effect upon enactment by the
28 local governing body. Any fees collected pursuant to this fee system shall be
29 supplementary to county and State funds and may not [(i)] (1) be used to reduce
30 county or State funds, and [(ii)] (2) exceed the cost of reviewing the plans.

31 DRAFTER'S NOTE:

1 Error: Incorrect numbering of items in § 4-103(c) of the Environment
2 Article.

3 Occurred: Various chapters.

4 [5-1108.

5 The Secretary of Natural Resources and the Secretary of the Environment
6 jointly shall:

7 (1) Develop and implement a comprehensive program to monitor the
8 quality of the waters and living resources of the Chesapeake Bay;

9 (2) Cooperate with other states in the Chesapeake Bay region and with
10 the United States Environmental Protection Agency and other State and federal
11 agencies, as appropriate; and

12 (3) Report every 2 years, subject to § 2-1246 of the State Government
13 Article, to the General Assembly on the results of this monitoring program and the
14 status of the resources of the Chesapeake Bay.]

15 DRAFTER'S NOTE:

16 Error: Similar language to § 5-1108 exists in § 9-321 of the Environment
17 Article.

18 Occurred: Ch. 488, Acts of 1995.

19 9-345.

20 (b) The Board of Public Works, upon the recommendation of the Secretary,
21 may award financial assistance for the following types of projects:

22 (1) Construction of sewerage systems under §§ 9-347 and 9-348 of this
23 subtitle;

24 (2) Industrial user pretreatment projects under § 9-349 of this subtitle;

25 (3) Best management practices to control or prevent agriculturally
26 related nonpoint source pollution under § 9-350 of this subtitle and Title 8, Subtitle 7
27 of the Agriculture Article; and

28 (4) Practices to reduce pollution from [storm water] STORMWATER
29 runoff in existing urbanized areas under § 9-350 of this subtitle.

30 DRAFTER'S NOTE:

31 Error: Incorrect word usage in § 9-345(b)(4) of the Environment Article.

32 Occurred: Ch. 795, Acts of 1984.

1 9-350.

2 (a) (1) Grants may be awarded to counties and municipalities for projects to
3 reduce pollution from [storm water] STORMWATER runoff in existing urbanized
4 areas.

5 (2) Grants may be used for construction on privately owned property if:

6 (i) Necessary for the purpose of the project; and

7 (ii) An agreement has been made with the property owner.

8 (3) A grant awarded under this subsection:

9 (i) Shall not exceed 75 percent of all eligible costs; and

10 (ii) Shall not exceed \$500,000.

11 DRAFTER'S NOTE:

12 Error: Incorrect word usage in § 9-350(a)(1) of the Environment Article.

13 Occurred: Ch. 795, Acts of 1984.

14 9-415.

15 (d) (1) In connection with any hearing under this subtitle, the Department
16 may:

17 (i) Subpoena any person or evidence; and

18 (ii) Order a witness to give evidence.

19 (2) A subpoenaed witness shall receive the same fees and mileage
20 reimbursement as if the hearing were part of a civil action.

21 (3) If a person fails to comply with a subpoena or order issued under this
22 subsection, on petition of the Department, a circuit court, by order may:

23 (i) Compel obedience to the Department's order or subpoena; or

24 (ii) Compel testimony or the production of evidence.

25 (4) The court may punish as contempt any failure to obey its order issued
26 under this section.

27 (5) Any person aggrieved by a final decision of the Department in
28 connection with an order or a permit issued under this subtitle may take judicial
29 appeal in accordance with the Administrative [Procedures] PROCEDURE Act.

30 DRAFTER'S NOTE:

1 Error: Misspelling in § 9-415(d)(5) of the Environment Article.

2 Occurred: Ch. 533, Acts of 1998.

3 9-801.

4 (g) "Sewerage facility" means all or any part of any plant, property, works,
5 system, or facility that is used or useful in connection with the collection, treatment,
6 or disposal of sewage, waste, garbage, or [storm water] STORMWATER.

7 DRAFTER'S NOTE:

8 Error: Incorrect word usage in § 9-801(g) of the Environment Article.

9 Occurred: Various chapters.

10 16-307.

11 (a) (1) Any person proposing to conduct on any wetland an activity not
12 authorized by the regulations adopted under the provisions of § 16-302 of this subtitle
13 shall apply for a permit with the Secretary, on the form the Secretary prescribes.

14 (2) The application shall include a detailed description of the proposed
15 work and a map showing the areas of wetland directly affected, the location of the
16 proposed work, and the names of the owners of record of adjacent land, and every
17 claimant of water rights in or adjacent to the wetland known to the applicant.

18 (3) (I) Within 30 days after receipt of an application, the Secretary
19 shall notify the applicant, in writing, of the extent of State wetlands involved in the
20 proposed activity and indicate the method of compliance with the license
21 requirements of § 16-202 of this title.

22 (II) If the applicant claims that any part of the designated State
23 wetlands is private wetlands by virtue of the existence of a valid grant, lease, or
24 patent, or a grant confirmed by Article 5 of the Maryland Declaration of Rights, the
25 Secretary shall investigate and determine the validity of the claim and notify the
26 applicant of the Secretary's determination.

27 (III) If, within 30 days after receipt of the Secretary's determination,
28 the applicant files with the Secretary a written objection to the determination, the
29 Secretary shall promptly institute an appropriate judicial proceeding to determine
30 whether the land or part of the land covered by the application in dispute, is State or
31 private wetland. The State shall bear the cost of the proceeding.

32 (4) The Secretary shall mail a copy of the application to the chief
33 administrative officer in the county where the proposed work or any portion is
34 located.

1 (5) (I) No later than 30 days after receipt of the application, the
2 Secretary shall issue public notice of the opportunity to submit written comments or
3 to request a hearing. A hearing shall be held if requested.

4 (II) If an electric company, as defined [under the Public Service
5 Commission Law] IN § 1-101 OF THE PUBLIC UTILITY COMPANIES ARTICLE, applies to
6 the Public Service Commission for a certificate of public convenience associated with
7 power plant construction which involves private wetlands, the hearing and permit
8 procedure shall be in accordance with § 3-306 of the Natural Resources Article.

9 (III) AT A REQUESTED HEARING ANY PERSON MAY APPEAR AND
10 GIVE TESTIMONY.

11 (6) Every permit application, map, or document shall be open for public
12 inspection at the offices of the Secretary and the chief administrative officer in the
13 county. [At a requested hearing any person may appear and give testimony.]

14 (7) A person may not reapply until after the expiration of 18 months
15 from the date of the denial of a prior application or the final determination of an
16 appeal from the denial.

17 DRAFTER'S NOTE:

18 Error: Obsolete cross-reference and missing tabulation in § 16-307(a) of
19 the Environment Article.

20 Occurred: Ch. 8, Acts of 1998.

21 **Article - Estates and Trusts**

22 2-301.

23 (b) If a register exercises his authority to appoint standing appraisers, all
24 property required to be independently appraised but not appraised by special
25 appraisers under [§ 7-202(c)] § 7-202(E) shall be appraised by standing appraisers. If
26 a register does not appoint standing appraisers, he shall, with respect to any estate
27 which contains property required to be independently appraised but not appraised by
28 special appraisers, appoint general appraisers as provided in § 2-302.

29 DRAFTER'S NOTE:

30 Error: Incorrect cross-reference in § 2-301(b) of the Estates and Trusts
31 Article.

32 Occurred: As a result of Ch. 693, Acts of 1997.

33 2-302.

34 Upon application by the personal representative in accordance with § 7-202(b)
35 for the appointment of general appraisers, the register shall designate one or more

1 qualified persons not related to the decedent nor interested in the administration.
2 Upon designation of the general appraisers, the register shall issue a warrant
3 authorizing and directing them jointly to appraise all property of the estate of the
4 decedent required to be independently appraised but not specially appraised under [§
5 7-202(c)] § 7-202(E). If an appraiser shall fail to act, the register shall make a new
6 designation and issue a new warrant upon application by the personal representative.

7 DRAFTER'S NOTE:

8 Error: Incorrect cross-reference in § 2-302 of the Estates and Trusts
9 Article.

10 Occurred: As a result of Ch. 693, Acts of 1997.

11 9-106.

12 (b) Unless the distribution can no longer be questioned because of
13 adjudication or limitations, a distributee of property improperly distributed is liable
14 to return the property received if he has it or its value. If a distributee has disposed of
15 property improperly distributed to him his liability is the lower of the value of the
16 property on the date of distribution or the value [of] ON the date of disposition.

17 DRAFTER'S NOTE:

18 Error: Erroneous word in § 9-106(b) of the Estates and Trusts Article.

19 Occurred: Ch. 11, Acts of 1974.

20 13-602.

21 (b) In the absence of [fraud] FRAUD, an affidavit[,] executed by the attorney
22 in fact or agent and stating that he did not have, at the time of doing an act pursuant
23 to the power of attorney, actual knowledge of the revocation or termination of the
24 power of attorney by death, disability, or incompetence, is conclusive proof of the
25 nonrevocation or nontermination of the power at that time. If the exercise of the
26 power requires execution and delivery of any instrument which is recordable, the
27 affidavit when authenticated for record is likewise recordable.

28 DRAFTER'S NOTE:

29 Error: Misplaced punctuation in § 13-602(b) of the Estates and Trusts
30 Article.

31 Occurred: Ch. 11, Acts of 1974.

32 13-709.

33 (a) When, from personal observation of a law enforcement officer, it appears
34 probable that an adult will suffer immediate and serious physical injury or death if
35 not immediately placed in a health care facility, that the adult is incapable of giving
36 consent, and that it is not possible to follow the procedures of this section, the officer

1 shall transport the person to an appropriate medical facility which shall immediately
2 notify the next of kin and the director. This medical care may not be rendered in a
3 State mental hospital other than, in an appropriate case, the Walter P. Carter
4 Community Mental Health and Retardation Center and the Highland Health Facility
5 unless authorized by the courts in a civil commitment proceeding. The director shall
6 file a petition pursuant to subsection (b) [below] OF THIS SECTION within 24 hours
7 after the transfer of the person has taken place. The court shall hold a hearing on the
8 petition and render its decision within 48 hours after the transfer has occurred.

9 (b) Upon petition by an interested person, a court may issue an order
10 authorizing the provision of protective services on an emergency basis to an adult
11 after finding on the record, based on clear and convincing evidence, that:

12 (1) For the purpose of this section the person lacks capacity under the
13 standards enumerated in § 13-705(b) OF THIS SUBTITLE;

14 (2) An emergency exists, as defined in § 13-101 OF THIS TITLE; and

15 (3) No person authorized by law or court order to give consent for the
16 person is available to consent to emergency services.

17 (c) In issuing an emergency order, the court shall adhere to the following
18 limitations:

19 (5) Notwithstanding the provisions of paragraphs (3) and (4) [above] OF
20 THIS SUBSECTION, the court may extend the terms of the emergency order and the
21 appointment of the temporary guardian until appointment of a guardian of the person
22 pursuant to § 13-705 OF THIS SUBTITLE, upon petition of the temporary guardian,
23 the director, or the Secretary of Aging, as appropriate, and after a showing that the
24 conditions found to exist in subsection (b) [above] OF THIS SECTION will probably
25 continue beyond the expiration of the extended emergency order. Such petition shall
26 be filed before the expiration of the six-day period provided for in paragraph (3)
27 [above] OF THIS SUBSECTION and shall be accompanied by a petition for
28 appointment of a guardian of the person pursuant to § 13-705 OF THIS SUBTITLE.
29 Such petition for appointment of a guardian of the person shall be heard on an
30 expedited basis no more than 60 days after the filing of the petition;

31 (d) The petition for an emergency order shall set forth the name, address, and
32 interest of the petitioner; the name, age, and address of the person in need of
33 protective services; the nature of the person's disability, if determinable; the proposed
34 protective services; the petitioner's reasonable belief, together with facts supportive
35 thereof, as to the existence of the facts stated in subsection (b)(1) through (3) [above]
36 OF THIS SECTION; and facts showing petitioner's attempts to obtain the person's
37 consent to the services and the outcomes of such attempts.

38 (f) (1) The hearing on a petition for an emergency order for protective
39 services shall be held under the following conditions:

40 (i) The person shall be present unless he has knowingly and
41 voluntarily waived the right to be present or cannot be present because of physical or

1 mental incapacity. Waiver or incapacity may not be presumed from nonappearance
2 but shall be determined on the basis of factual information supplied to the court by
3 counsel or a representative appointed by the court.

4 (ii) The person has the right to counsel whether or not he is present
5 at the hearing. Subject to paragraph (2) of this subsection, if the person is indigent or
6 lacks the capacity to waive counsel, the court shall appoint counsel. Where the person
7 is indigent, the State shall pay reasonable attorney's fees.

8 (iii) The person may present evidence and cross-examine witnesses.
9 This hearing shall be held no earlier than 24 hours after the notice required in
10 subsection (e) [above] OF THIS SECTION has been given, unless such notice has been
11 waived by the court.

12 (2) In any action in which payment for the services of a court-appointed
13 attorney for the person is the responsibility of the local department of social services,
14 unless the court finds that it would not be in the best interests of the person, the court
15 shall:

16 (i) Appoint an attorney who has contracted with the Department of
17 Human Resources to provide those services, in accordance with the terms of the
18 contract; and

19 (ii) In an action in which an attorney has previously been
20 appointed, strike the appearance of the attorney previously appointed and appoint
21 the attorney who is currently under contract with the Department of Human
22 Resources, in accordance with the terms of the contract.

23 (j) The person or the guardian of the person may appeal any findings of a
24 court under [§ 13-709(b) of this subtitle] SUBSECTION (B) OF THIS SECTION. Such
25 appeal shall be handled on an expedited basis by the appellate court.

26 DRAFTER'S NOTE:

27 Error: Incomplete cross-references in § 13-709(a), (b)(1) and (2), (c)(5),
28 (d), and (j) of the Estates and Trusts Article; incomplete cross-reference in
29 § 13-709(f)(1)(iii) of the Estates and Trusts Article.

30 Occurred: Ch. 768, Acts of 1977; Ch. 188, Acts of 1995.

31 **Article - Family Law**

32 4-504.

33 (b) (1) The petition shall:

34 (i) be under oath; and

35 (ii) include any information known to the petitioner of:

- 1 1. the nature and extent of the abuse for which the relief is
2 being sought, including information known to the petitioner concerning previous
3 injury resulting from abuse by the respondent;
- 4 2. each previous action between the parties in any court;
- 5 3. each pending action between the parties in any court;
- 6 4. the whereabouts of the respondent, if known;
- 7 5. if financial relief is requested, information known to THE
8 petitioner regarding the financial resources of THE respondent; and
- 9 6. in a case of alleged child abuse or alleged abuse of a
10 vulnerable adult, the whereabouts of the child or vulnerable adult and any other
11 information relating to the abuse of the child or vulnerable adult.

12 DRAFTER'S NOTE:

13 Error: Omitted articles in § 4-504(b)(1)(ii)5 of the Family Law Article.

14 Occurred: Ch. 65, Acts of 1992.

15 5-525.1.

16 (b) (1) Except as provided in paragraph (3) of this subsection, a local
17 department to which a child is committed under § 5-525 of this subtitle shall file a
18 petition for termination of parental rights or join a termination of parental rights
19 action that has been filed if:

20 (i) the child has been in an out-of-home placement for 15 of the
21 most recent 22 months;

22 (ii) a court finds that the child is an abandoned infant; or

23 (iii) a court finds that the natural parent has been convicted:

24 1. in this State of a crime of violence, as defined in Article 27,
25 § 643B of the Code, against the child, the other natural parent of the child, another
26 child of the natural parent, or any person who resides in the household of the natural
27 parent;

28 2. in any state or in any court of the United States of a crime
29 that would be a crime of violence, as defined in Article 27, § 643B of the Code, if
30 committed in this State against the child, the other natural parent of the child,
31 another child of the natural parent, or any person who resides in the household of the
32 natural parent; or

33 3. of aiding or abetting, conspiring, or soliciting to commit a
34 crime described in item [A] 1 or item [B] 2 of this item.

1 DRAFTER'S NOTE:

2 Error: Erroneous internal reference in § 5-525.1(b)(1)(iii)3 of the Family
3 Law Article.

4 Occurred: Ch. 539, Acts of 1998.

5 **Article - Financial Institutions**

6 9-609.

7 Any applicant aggrieved by the action or nonaction of the Division Director
8 under [§§ 9-605 or 9-608] § 9-605 OR § 9-608 of this subtitle may appeal to the Circuit
9 Court for Baltimore City.

10 DRAFTER'S NOTE:

11 Error: Stylistic error in usage of section symbol in § 9-609 of the Financial
12 Institutions Article.

13 Occurred: Ch. 856, Acts of 1980.

14 Part III. [Federally-Chartered] **FEDERALLY CHARTERED** Conversion to State
15 Chartered.

16 9-618.

17 A federal association may convert to a Maryland savings and loan association if:

18 (1) Its principal office is in this State;

19 (2) Its members approve;

20 (3) The Division Director approves; and

21 (4) Immediately upon filing its articles of incorporation with the State
22 Department of Assessments and Taxation, the association will convert to a
23 commercial bank under the provisions of §§ 9-631 through 9-639 of this subtitle or
24 convert to a federally chartered savings and loan association under §§ 9-613 through
25 9-615 of this subtitle.

26 DRAFTER'S NOTE:

27 Error: Stylistic error in the part designation immediately preceding §
28 9-618 of the Financial Institutions Article.

29 Occurred: Ch. 856, Acts of 1980.

1 11-217.

2 (a) Before the Commissioner takes any action under [§§ 11-215 or 11-216(a)]
3 § 11-215 OR § 11-216(A) of this subtitle, the Commissioner shall give the licensee an
4 opportunity for a hearing before the Commissioner.

5 DRAFTER'S NOTE:

6 Error: Stylistic error in usage of section symbol in § 11-217(a) of the
7 Financial Institutions Article.

8 Occurred: Ch. 33, Acts of 1980.

9 13-1008.1.

10 (c) The Maryland State Police or [the City of Cumberland police] THE POLICE
11 DEPARTMENT OF THE CITY OF CUMBERLAND may issue citations for violations of the
12 regulations adopted under this section.

13 DRAFTER'S NOTE:

14 Error: Erroneous terminology in § 13-1008.1(c) of the Financial
15 Institutions Article.

16 Occurred: Ch. 759, Acts of 1998.

17

Article - Health - General

18 4-305.

19 (b) A health care provider may disclose a medical record without the
20 authorization of a person in interest:

21 (5) If a claim has been or may be filed by, or with the authorization of a
22 patient or recipient on behalf of the patient or recipient, for covered insureds, covered
23 beneficiaries, or enrolled recipients only, to third party payors and their agents, if the
24 payors or agents have met the applicable provisions of Title 19, Subtitle 13 of [the
25 Health - General Article] THIS ARTICLE, including nonprofit health service plans,
26 health maintenance organizations, fiscal intermediaries and carriers, the
27 Department of Health and Mental Hygiene and its agents, the United States
28 Department of Health and Human Services and its agents, or any other person
29 obligated by contract or law to pay for the health care rendered for the sole purposes
30 of:

31 (i) Submitting a bill to the third party payor;

32 (ii) Reasonable prospective, concurrent, or retrospective utilization
33 review or predetermination of benefit coverage;

1 (iii) Review, audit, and investigation of a specific claim for payment
2 of benefits; or

3 (iv) Coordinating benefit payments in accordance with the
4 provisions of the Insurance Article under more than 1 sickness and accident, dental,
5 or hospital and medical insurance policy;

6 DRAFTER'S NOTE:

7 Error: Stylistic error in § 4-305(b)(5) of the Health - General Article.

8 Occurred: Ch. 480, Acts of 1990.

9 4-307.

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

11 [(1)] (2) "Case management" means an individualized recipient centered
12 service designed to assist a recipient in obtaining effective mental health services
13 through the assessing, planning, coordinating, and monitoring of services on behalf of
14 the recipient.

15 [(2)] (3) "Core service agency" means an organization approved by the
16 Mental Hygiene Administration to manage mental health resources and services in a
17 designated area or to a designated target population.

18 [(3)] (4) "Director" means the Director of the Mental Hygiene
19 Administration or the designee of the Director.

20 [(4)] (5) "Mental health director" means the health care professional
21 who performs the functions of a clinical director or the designee of that person in a
22 health care, detention, or correctional facility.

23 DRAFTER'S NOTE:

24 Error: Incorrect numbering in § 4-307(a) of the Health - General Article.

25 Occurred: Ch. 480, Acts of 1990.

26 (h) (2) If a recipient believes that a medical record has been inappropriately
27 obtained, maintained, or disclosed under [the provisions of subparagraph (vi) of
28 paragraph (1) of this section] PARAGRAPH (1)(VI) OF THIS SUBSECTION, the recipient
29 may petition the State prosecutor for an investigation of the allegation.

30 (3) Except in a proceeding relating to payment for the health care of a
31 recipient, the medical record of a recipient and any information obtained as a result of
32 disclosure under [subparagraph (vi) of paragraph (1) of this section] PARAGRAPH
33 (1)(VI) OF THIS SUBSECTION is disclosable, notwithstanding any privilege in law, but
34 may not be used in any proceeding against the recipient.

35 DRAFTER'S NOTE:

1 Error: Stylistic error in § 4-307(h)(2) and (3) of the Health - General
2 Article.

3 Occurred: Ch. 3, Acts of 1995.

4 Subtitle 6. Health Care [Decision] DECISIONS Act.

5 5-601.

6 (a) In this subtitle the following words have the meanings indicated.

7 DRAFTER'S NOTE:

8 Error: Incorrect word in subtitle heading immediately preceding § 5-601 of
9 the Health - General Article.

10 Occurred: Ch. 372, Acts of 1993.

11 15-301.

12 (f) (4) (i) A carrier that intends to participate in the Children and
13 Families Health Care Program under subsection (d) of this section shall submit its
14 health benefit plan to the Secretary.

15 (ii) The Secretary, in consultation with the Commissioner, shall
16 certify, within a reasonable time, if the employer sponsored health benefit plan or
17 individual health benefit plan meets the coverage requirements under Title XXI of
18 the Social Security Act and any other federal requirements, and includes a benefit
19 that is substantially equivalent to the early and periodic screening diagnosis and
20 treatment program.

21 (iii) If the Secretary determines that the employer sponsored health
22 benefit plan or individual health benefit plan does not meet the requirements of
23 subparagraph (ii) of this paragraph, the Secretary shall notify the carrier of that
24 determination within a reasonable time.

25 (iv) As part of the certification review under subparagraph (ii) of
26 this paragraph, the Secretary shall ensure that the premium payment for the eligible
27 individual's portion of the benefit cost to be paid by the State in accordance with
28 paragraph (6)(ii) of this subsection, does not exceed the cost that the State would
29 incur if the individual [was] WERE enrolled in the program under Subtitle 1 of this
30 title.

31 (v) A carrier participating in the Children and Families Health
32 Care Program shall offer its health benefit plans:

33 1. For employer sponsored health benefit plans to each
34 employer that has employees with dependents who may qualify for the program
35 under subsection (d) of this section; or

1 Article.

2 Occurred: Ch. 213, Acts of 1998.

3 19-1606.

4 (c) Any practice parameter adopted by the Commission shall remain in effect,
5 by regulation no longer than 3 years from the date of its adoption. The Commission
6 may readopt a practice parameter after its expiration following consultation with the
7 appropriate medical [speciality] SPECIALTY.

8 DRAFTER'S NOTE:

9 Error: Misspelling in § 19-1606(c) of the Health - General Article.

10 Occurred: Ch. 9, Acts of 1993.

11 19-1901.

12 (b) "Adult Dependent Care Program" means:

13 (2) An assisted living program facility regulated under [Title 18 of this
14 article] SUBTITLE 18 OF THIS TITLE;

15 DRAFTER'S NOTE:

16 Error: Erroneous cross-reference in § 19-1901(b)(2) of the Health -
17 General Article.

18 Occurred: Ch. 14, Acts of 1997.

19 **Article - Health Occupations**

20 3-5A-07.

21 (a) (1) A certificate expires on the date set by the Board, unless the
22 certificate is renewed for a 1-year term as provided in this section.

23 (2) A certificate may not BE renewed for a term of longer than 2 years.

24 DRAFTER'S NOTE:

25 Error: Omitted word in § 3-5A-07(a)(2) of the Health Occupations
26 Article.

27 Occurred: Ch. 678, Acts of 1996.

28 6-205.3.

29 (a) This section does not apply:

1 (1) To a civil action brought by a party to a proceeding before the Board
2 if the party claims to be aggrieved by the decision of the Board; or

3 (2) To any orders or findings of the Board that are otherwise subject to
4 disclosure under § 10-617(h)(2)(vi) of the State Government Article.

5 DRAFTER'S NOTE:

6 Error: Stylistic error in § 6-205.3(a) of the Health Occupations Article.

7 Occurred: Ch. 509, Acts of 1998. Correction by the publisher of the
8 Annotated Code in the 1998 Supplement of the Health Occupations Article
9 is validated by this Act.

10 13-316.

11 Subject to the hearing provisions of § 13-317 of this subtitle, the Board may
12 deny a license, temporary license, or restricted license to any applicant, reprimand
13 any licensee or holder of a temporary license or restricted license, place any licensee
14 or holder of a temporary license or restricted license on probation, or suspend or
15 revoke a license, temporary license, or restricted license if the applicant, licensee, or
16 holder:

17 (21) Grossly [over utilizes] OVERUTILIZES health care services;

18 DRAFTER'S NOTE:

19 Error: Incorrect word usage in § 13-316(21) of the Health Occupations
20 Article.

21 Occurred: Ch. 348, Acts of 1996.

22 14-405.

23 (a) Except as otherwise provided in the Administrative Procedure Act, before
24 the Board takes any action under § 14-404(a) of this subtitle [or § 14-303, § 14-305,]
25 or § 14-5A-17 of this title, it shall give the individual against whom the action is
26 contemplated an opportunity for a hearing before a hearing officer.

27 DRAFTER'S NOTE:

28 Error: Obsolete cross-reference in § 14-405(a) of the Health Occupations
29 Article.

30 Occurred: As a result of Ch. 201, Acts of 1997.

31 14-501.

32 (a) (5) "The Maryland Institute for Emergency Medical Services Systems"
33 means the State agency described in § 13-503 of the Education Article.

1 DRAFTER'S NOTE:

2 Error: Obsolete cross-reference in § 14-501(a)(5) of the Health
3 Occupations Article.

4 Occurred: Ch. 10, § 16, Acts of 1996. Correction by the publisher of the
5 Annotated Code in the 1998 Supplement of the Health Occupations Article
6 is validated by this Act.

7 14-602.

8 (c) An unlicensed individual who acts under § 14-302[, § 14-303,] or §
9 14-306 of this title may use the word "physician" together with another word to
10 describe the occupation of the individual as in phrases such as "physician's assistant"
11 or "physician's aide".

12 DRAFTER'S NOTE:

13 Error: Obsolete cross-reference in § 14-602(c) of the Health Occupations
14 Article.

15 Occurred: As a result of Ch. 201, Acts of 1997.

16 17-3A-03.

17 (a) The Board shall waive the requirements for licensing of any person under
18 § 17-3A-02 of this subtitle for any person who has filed a letter of intent with the
19 Board by October 1, 1999, and who by October 1, 2001:

20 (1) Has been certified by the Board as a certified professional counselor,
21 certified professional counselor-marriage and family therapist, or a certified
22 professional counselor-alcohol and drug or is a person with a [masters'] MASTER'S
23 degree or doctoral degree who is designated by the Board as eligible for a license as a
24 licensed clinical professional counselor, licensed clinical marriage and family
25 therapist, or licensed clinical alcohol and drug counselor; and

26 (2) Has provided documentation to the Board evidencing the completion
27 of 3 years of full-time experience or its equivalent providing psychotherapy services
28 for compensation, as a certified professional counselor, certified professional
29 counselor-marriage and family therapist, or certified professional counselor-alcohol
30 and drug or their equivalent as determined by the Board.

31 DRAFTER'S NOTE:

32 Error: Incorrect word usage in § 17-3A-03(a)(1) of the Health
33 Occupations Article.

34 Occurred: Chs. 131 and 132, Acts of 1998.

Article - Insurance

1

2 2-112.

3 (a) Fees for the following certificates, licenses, and services shall be collected
4 in advance by the Commissioner, and shall be paid by the appropriate persons to the
5 Commissioner:

6 (11) fees for form and rate filings under Title 11, Subtitles 2 and 4 and §§
7 [8-434,] 12-203, 13-110, and 14-126 of this article..... \$100

8 DRAFTER'S NOTE:

9 Error: Obsolete cross-reference in § 2-112(a)(11) of the Insurance Article.

10 Occurred: As a result of Ch. 183, Acts of 1997.

11 15-10B-05.

12 (e) It shall constitute a violation of this subtitle if the Commissioner, in
13 consultation with an independent review organization, medical expert, the
14 Department of Health and Mental Hygiene, or other appropriate entity, determines
15 that the criteria and standards used in conducting utilization review are not:

16 (1) objective;

17 (2) clinically valid;

18 (3) compatible with established principles of health care; or

19 (4) flexible enough to allow deviations from norms when justified on a
20 case by case basis.

21 DRAFTER'S NOTE:

22 Error: Incomplete reference in § 15-10B-05(e) of the Insurance Article.

23 Occurred: Ch. 112, Acts of 1998. Correction by the publisher of the
24 Annotated Code in the 1998 Supplement of the Insurance Article is
25 validated by this Act.

26 15-10B-07.

27 (a) Except as specifically provided in § 15-10B-06 of this subtitle:

28 (1) except as provided in paragraph (2) of this subsection, all adverse
29 decisions shall be made by a physician or a panel of other appropriate health care
30 providers with at least 1 physician on the panel.

1 (2) when the health care service under review is a dental service, the
 2 adverse decision shall be made by a licensed dentist or a panel of other appropriate
 3 health care providers with at least 1 licensed dentist on the panel.

4 (3) in the event a patient or health care provider, including a physician,
 5 intermediate care facility described in § 8-403(e) of the Health - General Article, or
 6 hospital seeks reconsideration or appeal of an adverse decision by a private review
 7 agent, the final determination of the appeal of the adverse decision shall be made
 8 based on the professional judgment of:

9 (i) a physician or a panel of other appropriate health care
 10 providers with at least 1 physician on the panel who is board certified or eligible in
 11 the same specialty as the treatment under review; or

12 (ii) when the adverse decision involves a dental service, a licensed
 13 dentist, or a panel of appropriate health care providers with at least 1 dentist on the
 14 panel who is a licensed dentist, who shall consult with a dentist who is board certified
 15 or eligible in the same specialty as the service under review.

16 (4) in the event a patient or health care provider, including a physician,
 17 intermediate care facility described in § 8-403(e) of the Health - General Article, or
 18 hospital seeks reconsideration or appeal of an adverse decision by a private review
 19 agent, the final determination of the appeal of the adverse decision shall:

20 (i) be stated in writing and provide an explanation of the reason for
 21 the adverse decision; and

22 (ii) reference the specific criteria and standards, including
 23 interpretive guidelines, upon which the adverse decision is based.

24 DRAFTER'S NOTE:

25 Error: Stylistic error in § 15-10B-07(a)(3)(i) of the Insurance Article.

26 Occurred: Ch. 112, Acts of 1998. Correction by the publisher of the
 27 Annotated Code in the 1998 Supplement of the Insurance Article is
 28 validated by this Act.

29 **Article - Labor and Employment**

30 1-101.

31 (e) "State" means:

32 (1) a state, possession, or commonwealth of the United States;

33 (2) except as provided in [§ 8-101(t)] § 8-101(V) of this article, a territory
 34 of the United States; or

35 (3) the District of Columbia.

1 DRAFTER'S NOTE:

2 Error: Erroneous cross-reference in § 1-101(e)(2) of the Labor and
3 Employment Article.

4 Occurred: As a result of Ch. 17, Acts of 1998.

5 Subtitle 5. Board of Appeals of Department of [Economic] BUSINESS and
6 [Employment] ECONOMIC Development.

7 8-501.

8 There is a Board of Appeals in the Department.

9 DRAFTER'S NOTE:

10 Error: Erroneous subtitle designation immediately preceding § 8-501 of
11 the Labor and Employment Article.

12 Occurred: As a result of Ch. 120, Acts of 1995.

13 8-806.

14 (d) (1) On determination of a claim, the Secretary promptly shall mail notice
15 of the determination to the claimant at the last known address of the claimant or
16 otherwise deliver it to the claimant.

17 (2) Except as provided in paragraph (3) of this subsection, on
18 determination of a claim that involves application of § 8-903(a) of this [subtitle]
19 TITLE or disqualification under Subtitle 10 of this title, the Secretary promptly shall:

20 (i) mail notice of the determination to the last employing unit of
21 the claimant at the last known address of the employing unit or otherwise deliver it to
22 that employer; and

23 (ii) include in the notice the reasons for the determination.

24 (3) If, before a determination, an employer fails to indicate, in
25 accordance with regulations of the Secretary, that a claimant may be disqualified or
26 ineligible for benefits, the Secretary need not notify the employer of the
27 determination.

28 DRAFTER'S NOTE:

29 Error: Erroneous internal reference in § 8-806(d)(2) of the Labor and
30 Employment Article.

31 Occurred: Ch. 8, Acts of 1991.

1

Article - Natural Resources

2 3-302.

3 (a) There is an Environmental Trust Fund. For the purpose of this subtitle,
4 there is established as an added cost of generation, an environmental surcharge per
5 kilowatt hour of electric energy generated in the State to be paid by any electric
6 company as defined in § 1-101 of the Public Utility Companies Article. This surcharge
7 initially shall be assessed at [0.1 mill] 0.1 MIL per kilowatt hour as of January 1,
8 1972. The Public Service Commission shall impose the surcharge per kilowatt hour of
9 electric energy generated within the State and shall authorize the electric companies
10 to add the full amount of the surcharge to customers' bills. To the extent that the
11 surcharge is not collected from customers, the surcharge shall be deemed a cost of
12 generation and shall be allowed and computed as such, together with other allowable
13 expenses, for rate-making purposes. Revenues from the surcharge shall be collected
14 by the Comptroller and placed in the Fund.

15 DRAFTER'S NOTE:

16 Error: Misspelling in § 3-302(a) of the Natural Resources Article.

17 Occurred: Ch. 4, First Sp. Sess., Acts of 1973.

18 3-904.

19 (f) (1) "Project" means the facilities and properties used or useful or having
20 present capacity for future use in connection with:

21 [(1)] (I) The transporting, transferring, compacting, burying,
22 incinerating, reduction, composting, collection, storage, treatment, utilization,
23 processing, or final disposal of waste;

24 [(2)] (II) The conversion of waste to fuel, steam, electricity, energy, or
25 other resources or the generation of steam, electricity, or other forms of energy from
26 fuel which is derived from, or is otherwise related to, waste;

27 [(3)] (III) The reconstruction, converting or otherwise recycling of waste
28 into material which is not waste or which is useful or is marketable; or

29 [(4)] (IV) Any combination of the foregoing (whether or not such facilities
30 are located on a single site). The term "project" also includes but shall not be limited
31 to:

32 [(i)] 1. Waste disposal facilities, pollution control facilities, and
33 facilities for generating and furnishing electric energy or gas or other forms of energy
34 which can be financed by bonds the interest on which is exempt from income tax
35 under the Internal Revenue Code, whether such interest would have been tax exempt
36 at the time of the enactment of this subtitle or of any amendment thereto; and

1 [(ii)] 2. Any facilities and properties within the definition of
 2 "project" set forth in this section, whether or not such facilities or properties can be
 3 financed by bonds the interest on which is tax exempt under the Internal Revenue
 4 Code, it being the purpose and intent of this subtitle that the term "project" be
 5 liberally construed so as to effectuate the purposes of this subtitle.

6 [(5)] (2) The term "project" includes (without limitation) land, buildings,
 7 structures, machinery, equipment, rail or motor vehicles, barges, boats, and all
 8 properties and rights therein and appurtenances thereof, rights-of-way, franchises,
 9 easements and other interests in land, all land and facilities which are functionally
 10 related and subordinate to the project and all patents, licenses and other rights
 11 necessary or useful in the construction or operation of a project.

12 DRAFTER'S NOTE:

13 Error: Stylistic error in § 3-904(f) of the Natural Resources Article.

14 Occurred: Ch. 871, Acts of 1980.

15 4-406.

16 (a) If a person who owns or controls any suitable area of water or land desires
 17 to have it set aside as a fish refuge, he may apply to the Department, giving a
 18 description of the area of water or land, including a specific location, map, or sketch
 19 showing an outline of the area of water or land and the location of any structure or
 20 improvement, and the nature of the area of land or water, such as woodland,
 21 abandoned [farm land] FARMLAND, or cultivated land, or lake, pond, marsh, or
 22 impounded stream.

23 DRAFTER'S NOTE:

24 Error: Misspelling in § 4-406(a) of the Natural Resources Article.

25 Occurred: Ch. 4, First Sp. Sess., Acts of 1973.

26 4-701.

27 (k) (3) The following are grounds for suspension under this section:

28 (i) Making any false statement in an application for a tidal fish
 29 license;

30 (ii) Conviction of a person for violations under this title so often as
 31 to indicate an intent to disregard the fish and fisheries laws of the State, provided
 32 that proceedings for revocation on this ground are based on no fewer than:

33 1. 3 convictions for violations occurring on separate days
 34 within any [365 day] 365-DAY period, of provisions under [1] THIS subtitle [of this
 35 title]; or

1 4-711.

2 (h) (1) Every licensee shall:

3 (i) Maintain the licensee's stakes in good condition; and

4 (ii) Promptly remove and renew any stake that may be unsound,
5 broken, or liable to go adrift.

6 (2) A licensee may not permit or allow to remain in the water:

7 (i) Any pound net stake for a period greater than 30 days following
8 the removal of the net from each stake;

9 (ii) Any pound net or stake for a period greater than 30 days
10 following the discontinuance of fishing of the net; or

11 (iii) Any pound net or stake between January 1 and January 31 of
12 any year unless the owner of the pound net or stake notifies the Department by
13 certified mail, return receipt requested, that the net is being actively fished.

14 [(4)] (3) A licensee who fails to comply with the provisions of this
15 subsection is guilty of a misdemeanor and upon conviction is subject to a fine of at
16 least \$200 and not exceeding \$1,000 with costs imposed in the discretion of the court.

17 [(5)] (4) For a licensee who is convicted twice within 2 years of
18 violating paragraph (1) of this subsection, the Department may suspend the licensee's
19 striped bass authorization in the following year.

20 DRAFTER'S NOTE:

21 Error: Stylistic error in § 4-711(h) of the Natural Resources Article.

22 Occurred: Ch. 289, Acts of 1998. Correction by the publisher of the
23 Annotated Code in the 1998 Supplement of the Natural Resources Article
24 is ratified by this Act.

25 4-1033.

26 (c) The Department may promulgate rules and regulations relating to any
27 aspect of the soft-shell clam fishery and shall adopt rules and regulations governing:

28 (1) Measurement and structural details of a hydraulic clam [dredge,
29 DREDGE;

30 (2) The number of hydraulic clam dredges which may be carried on a
31 [vessel,] VESSEL;

32 (3) The use of mufflers on motors or engines on hydraulic clam dredges
33 or on board boats carrying hydraulic clam [dredges,] DREDGES;

1 (4) The establishment of limits on the number of bushels which may be
2 caught by a hydraulic clam dredge, or by a boat carrying a hydraulic clam [dredge,]
3 DREDGE;

4 (5) The minimum size of soft-shell [clams,] CLAMS;

5 (6) The times and dates for taking, landing, and unloading soft-shell
6 [clams,] CLAMS; and

7 (7) Protection of soft-shell clams from contamination, or from
8 deterioration as a result of excessive heat.

9 DRAFTER'S NOTE:

10 Error: Incorrect punctuation in § 4-1033(c) of the Natural Resources
11 Article.

12 Occurred: Ch. 4, First Sp. Sess., Acts of 1973.

13 5-209.

14 (e) The Department shall adopt regulations that prescribe the type and color
15 of paint to be used for posting private property under Article 27, [§ 576A] § 577(A)(1)
16 of the Code.

17 DRAFTER'S NOTE:

18 Error: Erroneous cross-reference in § 5-209(e) of the Natural Resources
19 Article.

20 Occurred: As a result of Ch. 498, Acts of 1998.

21 8-716.

22 (e) A person is not required to pay the tax provided for in subsection (c) of this
23 section resulting from:

24 (1) A transfer between members of the immediate family as determined
25 by Department regulations;

26 (2) A transfer to a licensed dealer of a vessel for resale, rental, or lease
27 purposes;

28 (3) Purchase of a vessel by the State or any political subdivision;

29 (4) Purchase of a vessel by an eleemosynary organization which the
30 Secretary has approved;

31 (5) The purchase within the State of a vessel if the owner paid or
32 incurred a liability for the Maryland sales and use tax on the vessel prior to July 1,
33 1986;

1 (6) The possession within the State of a vessel which was purchased
2 outside the State if the owner paid or incurred a liability for the Maryland use tax on
3 the vessel prior to July 1, 1986;

4 (7) The possession of a vessel that was purchased or acquired prior to
5 coming into the State by a nonresident of the State and is not used principally on the
6 waters of the State and if the issuance of a title is not sought;

7 (8) The possession within the State of a vessel if the current owner,
8 before July 1, 1986:

9 (i) 1. Was licensed by the Department to catch, for commercial
10 purposes, finfish, eels, crabs, conch, terrapin, soft-shell clams, hard-shell clams,
11 oysters, or any other fish; and

12 2. Used the vessel for any of the commercial fishing purposes
13 described in [item (i)1. of this paragraph] ITEM 1 OF THIS ITEM; or

14 (ii) 1. Was licensed as a commercial fishing guide under the
15 provisions of § 4-210 of this article; and

16 2. Used the vessel as a charter boat with a license as
17 provided in § 4-745(d)(2) of this article; or

18 (9) The possession within the State of a vessel that:

19 (i) Is owned by a nonprofit organization that:

20 1. Is qualified as tax exempt under § 501(c)(4) of the Internal
21 Revenue Code; and

22 2. Is engaged in providing a program to render its best
23 efforts to contain, clean up, and otherwise mitigate spills of oil or other substances
24 occurring in United States coastal and tidal waters; and

25 (ii) Is used for the purposes of the organization.

26 DRAFTER'S NOTE:

27 Error: Stylistic error in § 8-716(e)(8)(i)2 of the Natural Resources Article.

28 Occurred: Ch. 743, Acts of 1988.

29 (g) (1) A person may claim a credit against any tax imposed under
30 subsection (c) of this section on a vessel for sales tax the person has paid to the State,
31 to another state, or to the District of Columbia on materials and equipment that are
32 incorporated into the vessel, if:

33 (i) 1. The person is licensed by the Department to catch, for
34 commercial purposes, finfish, eels, crabs, conch, terrapin, soft-shell clams, hard-shell
35 clams, oysters, or any other fish; and

1 2. The vessel is to be used for any of the commercial fishing
2 purposes described in [item (i)1. of this paragraph] ITEM 1 OF THIS ITEM; or

3 (ii) 1. Was licensed as a commercial fishing guide under the
4 provisions of § 4-210 of this article; and

5 2. Used the vessel as a charter boat with a license as
6 provided in § 4-745(d)(2) of this article.

7 (2) The Department may require a person claiming the credit allowed
8 under this subsection to submit satisfactory proof of payment of the sales tax and that
9 the materials or equipment have been incorporated into the vessel.

10 DRAFTER'S NOTE:

11 Error: Stylistic error in § 8-716(g)(1)(i)2 of the Natural Resources Article.

12 Occurred: Ch. 743, Acts of 1988.

13 **Article - Public Utility Companies**

14 2-110.

15 (c) (1) Within 30 days after the Commission issues a bill under subsection
16 (b) of this [section] SECTION, the party billed may request a hearing as to the amount
17 of the bill.

18 DRAFTER'S NOTE:

19 Error: Omitted comma in § 2-110(c)(1) of the Public Utility Companies
20 Article.

21 Occurred: Ch. 8, Acts of 1998. Correction by the publisher of the
22 Annotated Code in the 1998 Volume of the Public Utility Companies
23 Article is ratified by this Act.

24 3-103.

25 (a) The service of a document or notice relating to a proceeding before the
26 Commission under this article shall be sufficient:

27 (1) if made personally through the sheriff's office in the county in which
28 service may be made[,] or by an adult; or

29 (c) Service of subpoenas shall be sufficient only if made personally through
30 the sheriff's office in the county in which service may be made[,] or by an adult.

31 DRAFTER'S NOTE:

32 Error: Extraneous commas in § 3-103(a)(1) and (c) of the Public Utility
33 Companies Article.

1 Occurred: Ch. 8, Acts of 1998. Correction by the publisher of the
2 Annotated Code in the 1998 Volume of the Public Utility Companies
3 Article is ratified by this Act.

4 5-104.

5 (a) The Commission may authorize the acts described in §§ 5-202, 5-203, and
6 5-205 of this title AND § 6-101(A) OF THIS ARTICLE if it finds that the authorization is
7 consistent with the public convenience and necessity.

8 DRAFTER'S NOTE:

9 Error: Incomplete cross-reference in § 5-104(a) of the Public Utility
10 Companies Article.

11 Occurred: Ch. 8, Acts of 1998. Correction by the publisher of the
12 Annotated Code in the 1998 Volume of the Public Utility Companies
13 Article is ratified by this Act.

14 7-206.

15 (b) An electric company that performs an installation or change in operation
16 under subsection (a) of this section shall obtain prior review and approval of the
17 Commission in accordance with:

18 (1) [sections 7-203] §§ 7-203, 7-207, and 7-208 of this subtitle; and

19 DRAFTER'S NOTE:

20 Error: Stylistic error in § 7-206(b)(1) of the Public Utility Companies
21 Article.

22 Occurred: Ch. 8, Acts of 1998. Correction by the publisher of the
23 Annotated Code in the 1998 Volume of the Public Utility Companies
24 Article is ratified by this Act.

25 Subtitle 1. [Easements and Damages] GENERAL PROVISIONS.

26 8-101.

27 (a) This subtitle applies to:

28 (1) a telegraph company; or

29 DRAFTER'S NOTE:

30 Error: Incorrect nomenclature in Title 8, Subtitle 1 of the Public Utility
31 Companies Article.

32 Occurred: Ch. 8, Acts of 1998. Correction by the publisher of the
33 Annotated Code in the 1998 Volume of the Public Utility Companies

1 Article is ratified by this Act.

2 Subtitle 2. Telephone [Requirements] SERVICE.

3 8-201.

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

5 DRAFTER'S NOTE:

6 Error: Incorrect nomenclature in Title 8, Subtitle 2 of the Public Utility
7 Companies Article.

8 Occurred: Ch. 8, Acts of 1998. Correction by the publisher of the
9 Annotated Code in the 1998 Volume of the Public Utility Companies
10 Article is ratified by this Act.

11 9-303.

12 (a) (2) A railroad may be wider than 100 feet [wide] if the Maryland
13 railroad company determines that it is necessary for:

14 (i) cuts and fills for a slope or embankment;

15 (ii) multiple sets of tracks; or

16 (iii) sidetracks, turnouts, depots, [buildings] BUILDINGS, and other
17 works connected with the operation of the railroad.

18 DRAFTER'S NOTE:

19 Error: Extraneous word and omitted comma in § 9-303(a)(2) of the Public
20 Utility Companies Article.

21 Occurred: Ch. 8, Acts of 1998.

22 10-108.

23 (a) A for-hire driver shall have the for-hire [taxicab] driver's license in the
24 driver's possession whenever operating a motor vehicle for hire.

25 DRAFTER'S NOTE:

26 Error: Extraneous word in § 10-108(a) of the Public Utility Companies
27 Article.

28 Occurred: Ch. 8, Acts of 1998. Correction by the publisher of the
29 Annotated Code in the 1998 Volume of the Public Utility Companies
30 Article is ratified by this Act.

1 11-101.

2 (g) A person who violates a regulation that the Commission adopts under this
3 section is guilty of a misdemeanor and[,] on conviction[,] is subject to a fine not
4 exceeding \$10,000 for each day the violation continues, and imprisonment not
5 exceeding 1 year.

6 DRAFTER'S NOTE:

7 Error: Extraneous commas in § 11-101(g) of the Public Utility
8 Companies Article.

9 Occurred: Ch. 8, Acts of 1998. Correction by the publisher of the
10 Annotated Code in the 1998 Volume of the Public Utility Companies
11 Article is ratified by this Act.

12 13-201.

13 (a) This section does not apply to a violation of the following provisions of this
14 article:

15 (5) [Section 13-205] § 13-205 of this subtitle.

16 DRAFTER'S NOTE:

17 Error: Stylistic error in § 13-201(a)(5) of the Public Utility Companies
18 Article.

19 Occurred: Ch. 8, Acts of 1998. Correction by the publisher of the
20 Annotated Code in the 1998 Volume of the Public Utility Companies
21 Article is ratified by this Act.

22 13-204.

23 Personnel of the Commission or Office of [the] People's Counsel who are
24 convicted of violating Title 2, Subtitle 3 of this article shall, in addition to any other
25 penalties, be removed or discharged from office.

26 DRAFTER'S NOTE:

27 Error: Extraneous word in § 13-204 of the Public Utility Companies
28 Article.

29 Occurred: Ch. 8, Acts of 1998. Correction by the publisher of the
30 Annotated Code in the 1998 Volume of the Public Utility Companies
31 Article is ratified by this Act.

1

Article - Real Property

2 11-131.

3 (b) In addition to the implied warranties set forth in § 10-203 of this article
4 there shall be an implied warranty on an individual unit from a developer to a unit
5 owner. The warranty on an individual unit commences with the transfer of title to
6 that unit and extends for a period of 1 year. The warranty shall provide:

7 (1) That the developer is responsible for correcting any defects in
8 materials or workmanship in the construction of walls, ceilings, floors, and heating
9 and air conditioning systems in the unit; and

10 (2) That the heating and any air conditioning systems have been
11 installed in accordance with acceptable industry standards and:

12 (i) That the heating system is warranted to maintain a [70° (F)]
13 70°F temperature inside with the outdoor temperature and winds at the design
14 conditions established by the Energy Conservation Building Standards Act, Title 7,
15 Subtitle 4 of the Public Utility Companies Article, or those established by the political
16 subdivision as provided in Title 7, Subtitle 4 of the Public Utility Companies Article;
17 and

18 (ii) That the air conditioning system is warranted to maintain a
19 [78° (F)] 78°F temperature inside with the outdoor temperature at the design
20 conditions established by Title 7, Subtitle 4 of the Public Utility Companies Article, or
21 those established by the political subdivision as provided in Title 7, Subtitle 4 of the
22 Public Utility Companies Article.

23 DRAFTER'S NOTE:

24 Error: Incorrect abbreviation in § 11-131(b)(2)(i) of the Real Property
25 Article; incorrect abbreviation in § 11-131(b)(2)(ii) of the Real Property
26 Article.

27 Occurred: Ch. 246, Acts of 1981; Ch. 836, Acts of 1982.

28

Article - State Finance and Procurement

29 8-129.

30 (a) With the approval of the Board, the Governor shall dispose of unspent
31 proceeds of an enabling act within 1 year after the later of abandonment, completion,
32 or acceptance of a project or program for which an enabling act authorized State debt.

33 (b) The Governor shall:

34 (1) use the proceeds to reduce State debt authorizations, as provided in §
35 8-126(b) through (d) of this subtitle;

1 (2) allocate the proceeds to the Construction Contingency Fund, as
2 provided in § 3-609 of this article; or

3 (3) order the proceeds to be credited to the Annuity Bond Fund, to
4 [redeem outstanding State bonds] PAY THE OUTSTANDING BONDED INDEBTEDNESS
5 OF THE STATE.

6 (c) The Board shall enforce the provisions of this section.

7 DRAFTER'S NOTE:

8 Error: Ambiguous reference in § 8-129(b)(3) of the State Finance and
9 Procurement Article, as enacted by Section 2 of Chapter 11 of the Acts of
10 1985.

11 Occurred: Ch. 11, Acts of 1985.

12 **Article - State Government**

13 10-616.

14 (q) (4) The provisions of paragraphs (1) and (2) of this subsection may not be
15 construed to prohibit:

16 (i) the release of statistical information concerning unserved arrest
17 warrants;

18 (ii) the release of information by a State's Attorney or peace officer
19 concerning an unserved arrest warrant and the charging document upon which the
20 arrest warrant was issued; or

21 (iii) inspection of files and records, of a court pertaining to an
22 unserved arrest warrant and the charging document upon which the arrest warrant
23 was issued, by:

24 1. a judicial officer;

25 2. any authorized court personnel;

26 3. a State's Attorney;

27 4. a peace officer;

28 5. a correctional officer who is authorized by law to serve an
29 arrest warrant;

30 6. a bail bondsman, surety insurer, or surety who executes
31 bail bonds who executed a bail bond for the individual who is subject to arrest under
32 the arrest warrant;

1 **Article - State Personnel and Pensions**

2 23-302.

3 (c) (2) If a member [who] completes less than 500 hours of employment
4 while a member, the Board of Trustees shall prorate the MEMBER'S eligibility service
5 based on the number of hours worked.

6 DRAFTER'S NOTE:

7 Error: Extraneous word and omitted word in § 23-302(c)(2) of the State
8 Personnel and Pensions Article.

9 Occurred: Ch. 530, Acts of 1998.

10 23-401.

11 (c) (2) On retirement under this section, a member is entitled to receive a
12 normal service retirement allowance that equals the sum of:

13 (i) the number of years of the member's creditable service on or
14 after July 1, 1998 multiplied by 1.4% of the member's average final compensation;
15 and

16 (ii) the greater of:

17 1. the number of years of the member's creditable service on
18 or before June 30, 1998 multiplied by 1.2% of the member's average final
19 compensation; or

20 2. the number of years of the member's creditable service on
21 or before June 30, 1998 multiplied by:

22 A. 0.8% of the member's average final compensation that is
23 not in excess of the Social Security integration level; and

24 B. 1.5% of the member's average final compensation that
25 exceeds the Social Security integration level.

26 DRAFTER'S NOTE:

27 Error: Extraneous word in § 23-401(c)(2) of the State Personnel and
28 Pensions Article.

29 Occurred: Ch. 530, Acts of 1998. Correction by the publisher of the
30 Annotated Code in the 1998 Supplement of the State Personnel and
31 Pensions Article is validated by this Act.

1 26-202.

2 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
3 Enforcement Officers' Pension System is optional for an individual described in §
4 26-201 of this subtitle:

5 (i) who was employed by the Department of Natural Resources on
6 July 1, 1990 and who elects membership on or before December 31, 1997;

7 (ii) who was employed by the Maryland Investigative Services Unit
8 on June 30, 1995 and who elects membership on or before December 31, 1997;

9 (iii) who was employed by the Maryland Transportation Authority
10 on June 30, 1997 and who elects membership on or before December 31, 1997;

11 (iv) who was employed by the Baltimore City Sheriff's Department
12 on June 30, 1997 and who elects membership on or before December 31, 1997;

13 (v) Reserved.

14 (vi) who is employed by a participating governmental unit on the
15 effective date of participation on or after July 1, 1999 for that participating
16 [government] GOVERNMENTAL unit and who elects membership within 6 months of
17 the effective date of participation;

18 (vii) who was employed by the Maryland Port Administration Police
19 Force and was subsequently transferred to and employed by the Maryland
20 Transportation Authority Police Force on July 1, 1998 and who elects membership on
21 or before December 31, 1998; or

22 (viii) who was employed by the office of the State Fire Marshal on
23 June 30, 1998 and who elects membership on or before December 31, 1998.

24 DRAFTER'S NOTE:

25 Error: Incorrect word usage in § 26-202(b)(1)(vi) of the State Personnel
26 and Pensions Article.

27 Occurred: Ch. 494, Acts of 1998.

28 31-106.1.

29 The only employees of the Maryland African American Museum Corporation
30 who are eligible to participate in the Employees' Pension System under this subtitle
31 are the Executive Director and the regular full-time employees employed by the
32 Maryland African American Museum Corporation under Article 41, [§ 20-104(c)] §
33 20-103(C) of the Code.

34 DRAFTER'S NOTE:

35 Error: Erroneous cross-reference in § 31-106.1 of the State Personnel

1 and Pensions Article.

2 Occurred: Chs. 428 and 429, Acts of 1998.

3 **Article - Tax - General**

4 10-106.

5 (a) (1) Each county shall set, by ordinance or resolution, a county income tax
6 equal to at least 20% but not more than 60%, to be applied to the State income tax for
7 an individual, modified as provided under subsection [(d)] (C) of this section.

8 DRAFTER'S NOTE:

9 Error: Erroneous cross-reference in § 10-106(a)(1) of the Tax - General
10 Article.

11 Occurred: As a result of Ch. 399, Acts of 1998.

12 10-205.

13 (h) (3) The cumulative amount of the addition under this subsection for the
14 taxable year and all prior taxable years may not exceed the cumulative amount
15 allowed as a subtraction under [§ 10-208(m)] § 10-208(N) of this subtitle for the
16 taxable year and all prior taxable years for the individual's payments to the higher
17 education investment contract under which the refund is received.

18 DRAFTER'S NOTE:

19 Error: Erroneous cross-reference in § 10-205(h)(3) of the Tax - General
20 Article.

21 Occurred: As a result of Chs. 324, 325, and 572, Acts of 1998.

22 10-710.

23 (b) (2) The credit allowed under this section may not exceed the lesser of:

24 (i) \$5,000; or

25 (ii) \$100 for each employee IN THE STATE covered by long-term
26 care insurance provided under the employee benefit package.

27 DRAFTER'S NOTE:

28 Error: Omitted words in § 10-710(b)(2) of the Tax - General Article.

29 Occurred: Ch. 7, Acts of 1998.

1 10-906.

2 (d) If an employer or payor negligently fails to withhold or to pay income tax
3 in accordance with subsection (a) of this section, personal liability for that income tax
4 extends:

5 (1) to the employer or payor;

6 (2) if the employer or payor is a corporation, to:

7 (i) any officer of the corporation who exercises direct control over
8 its fiscal management; or

9 (ii) any agent of the corporation who is required to withhold and
10 pay the income tax; and

11 (3) if the employer or payor is a limited liability company as defined
12 under Title 4A of the Corporations and Associations Article or a limited liability
13 partnership as defined under Title 9 or Title 9A of the Corporations and Associations
14 Article, including a limited partnership registered as a limited liability limited
15 partnership, to:

16 (i) any person who exercises direct control over its fiscal
17 management; and

18 (ii) any agent of the limited liability company or limited liability
19 partnership who is required to withhold and pay the income tax.

20 DRAFTER'S NOTE:

21 Error: Obsolete cross-reference in § 10-906(d)(3) of the Tax - General
22 Article.

23 Occurred: Ch. 743, Acts of 1998. Correction by the publisher of the
24 Annotated Code in the 1998 Supplement to the 1997 Replacement Volume
25 is validated by this Act.

26 **Article - Tax - Property**

27 9-220.

28 (d) To qualify for a property tax credit under this section, a land trust shall:

29 (1) be certified by the Maryland Environmental Trust to be a land trust
30 in good standing and to have a cooperative agreement in effect; and

31 (2) obtain a written certification every 5 years beginning July 1, 1998, or
32 as scheduled by the Maryland Environmental Trust.

33 DRAFTER'S NOTE:

1 Error: Incorrect word usage in § 9-220(d) of the Tax - Property Article.

2 Occurred: Ch. 355, Acts of 1998. Correction by the publisher of the
3 Annotated Code in the 1998 Supplement of the Tax - Property Article is
4 validated by this Act.

5 14-918.

6 IF A UNIT OF THE STATE PAYS A REFUND OF ANY TAX, FEE, CHARGE, PENALTY,
7 OR INTEREST THAT WAS DISTRIBUTED TO A COUNTY OR MUNICIPAL CORPORATION,
8 THE UNIT OF THE STATE SHALL DEDUCT THE AMOUNT REFUNDED FROM A
9 SUBSEQUENT DISTRIBUTION OF THE TAX, FEE, CHARGE, PENALTY, OR INTEREST TO
10 THAT COUNTY OR MUNICIPAL CORPORATION.

11 DRAFTER'S NOTE:

12 Error: Provision of law (third sentence of former Art. 81, § 218)
13 inadvertently not made applicable to taxes collected by a unit of the State
14 under the Tax - Property Article and distributed to a county or municipal
15 corporation.

16 Occurred: Ch. 8, Acts of 1985 and Ch. 2, Acts of 1988.

17 **Article - Transportation**

18 4-319.

19 (a) The revenue bonds, notes, and other evidences of obligation issued under
20 this subtitle are not and may not be considered to constitute a debt or a pledge of the
21 faith and credit of the State of Maryland, but shall be payable only from the funds
22 from OR revenues provided by this subtitle for that purpose.

23 DRAFTER'S NOTE:

24 Error: Omitted conjunction in § 4-319(a) of the Transportation Article.

25 Occurred: Ch. 13, Acts of 1977.

26 5-904.

27 (b) On application and, except for the considerations expressly listed in [§
28 5-904(b)] § 5-905(B) of this subtitle, without further requirement, the Administration
29 shall issue any license required by it, at an annual fee of \$1, to each air school that
30 has been issued an appropriate federally approved air school certificate or rating.

31 DRAFTER'S NOTE:

32 Error: Erroneous cross-reference in § 5-904(b) of the Transportation
33 Article.

34 Occurred: Ch. 13, Acts of 1977.

1 14-110.

2 (c) A person may not, with fraudulent intent, manufacture, construct, or
3 possess any paraphernalia for use in any falsification prohibited by this [subsection]
4 SECTION.

5 (d) A person may not, with fraudulent intent, possess, give away, sell, or
6 attempt to sell any item falsified in violation of this [subsection] SECTION.

7 DRAFTER'S NOTE:

8 Error: Erroneous internal reference in § 14-110(c) and (d) of the
9 Transportation Article.

10 Occurred: Ch. 472, Acts of 1986.

11 16-111.

12 (e) [(5)] (4) Notwithstanding § 16-103(c)(3) of this subtitle, the
13 Administration may issue a license under § 16-111.1 of this subtitle without issuing a
14 learner's instructional permit or a provisional license if the individual has been
15 licensed to drive in another state or country, or by the armed forces of the United
16 States, for at least 18 months.

17 DRAFTER'S NOTE:

18 Error: Erroneous numbering in § 16-111(e)(5) of the Transportation
19 Article.

20 Occurred: Ch. 483, Acts of 1998. Correction by the publisher of the
21 Annotated Code in the 1998 Supplement to the 1998 Replacement Volume
22 is ratified by this Act.

23 16-113.

24 (a) (2) An alcohol restriction that prohibits the licensee from driving or
25 attempting to drive a motor vehicle while having alcohol in the licensee's blood may,
26 as described in subsections (b) and (g) of this section, include a restriction that
27 prohibits the licensee from driving or attempting to drive a motor vehicle unless the
28 licensee is a participant in the ignition interlock SYSTEM program established under
29 § 16-404.1 of this title.

30 DRAFTER'S NOTE:

31 Error: Omitted word in § 16-113(a)(2) of the Transportation Article.

32 Occurred: Ch. 526, Acts of 1998.

1 16-205.1.

2 (g) (2) A person who initially refuses to take a test may withdraw the initial
3 refusal and subsequently consent to take the test if the subsequent consent:

4 (i) Is unequivocal;

5 (ii) Does not substantially interfere with the timely and efficacious
6 administration of the test; and

7 (iii) Is given by the person:

8 1. Before the delay in testing would materially affect the
9 outcome of the test; and

10 2. A. For the purpose of a test for determining alcohol
11 concentration, within 2 hours of the person's apprehension; or

12 B. For the purpose of a test for determining the drug or
13 controlled dangerous substance content of the person's blood, within [3] 4 hours of
14 the person's apprehension.

15 (3) In determining whether a person has withdrawn an initial refusal for
16 the purposes of paragraph (1) of this subsection, among the factors that the
17 Administration shall consider are the following:

18 (i) Whether the test would have been administered properly:

19 1. For the purpose of a test for determining alcohol
20 concentration, within 2 hours of the person's apprehension; or

21 2. For the purpose of a test for determining the drug or
22 controlled dangerous substance content of the person's blood, within [3] 4 hours of
23 the person's apprehension;

24 (ii) Whether a qualified person, as defined in § 10-304 of the
25 Courts Article, to administer the test and testing equipment were readily available;

26 (iii) Whether the delay in testing would have interfered with the
27 administration of a test to another person;

28 (iv) Whether the delay in testing would have interfered with the
29 attention to other duties of the arresting officer or a qualified person, as defined in §
30 10-304 of the Courts Article;

31 (v) Whether the person's subsequent consent to take the test was
32 made in good faith; and

33 (vi) Whether the consent after the initial refusal was while the
34 person was still in police custody.

1 DRAFTER'S NOTE:

2 Error: Failed to make § 16-205.1(g)(2)(iii)2 B and (3)(i)2 of the
3 Transportation Article consistent with § 10-303(b)(2) of the Courts Article.

4 Occurred: As a result of Ch. 281, Acts of 1995.

5 21-101.

6 (f) "Crosswalk" means that part of a roadway that is:

7 [(i)] (1) Within the prolongation or connection of the lateral lines of
8 sidewalks at any place where 2 or more roadways of any type meet or join, measured
9 from the curbs or, in the absence of curbs, from the edges of the roadway; or

10 [(ii)] (2) Distinctly indicated for pedestrian crossing by lines or other
11 markings.

12 DRAFTER'S NOTE:

13 Error: Stylistic error in § 21-101(f) of the Transportation Article.

14 Occurred: Ch. 360, Acts of 1998. Correction by the publisher of the
15 Annotated Code in the 1998 Supplement to the 1998 Replacement Volume
16 is ratified by this Act.

17 27-108.

18 (d) The Administration shall adopt regulations establishing minimum
19 standards for the certification of an approved service provider, including:

20 (1) The minimum qualifications described under [§ 16-405.1] § 16-404.1
21 of this article; and

22 (2) A requirement that an approved service provider shall maintain
23 service and installation records and provide these records for inspection on the
24 request of the Administration.

25 DRAFTER'S NOTE:

26 Error: Erroneous cross-reference in § 27-108(d)(1) of the Transportation
27 Article.

28 Occurred: Ch. 526, Acts of 1998.

29 27-110.

30 (d) The procedures specified in this section are in addition to any other
31 penalty provided by law for the failure to pay a toll or appear for trial for a failure to
32 pay A toll violation under § 21-1414 of this article.

1 DRAFTER'S NOTE:

2 Error: Omitted word in § 27-110(d) of the Transportation Article.

3 Occurred: Ch. 219, Acts of 1996.

4 **Article 14 - Howard County**

5 26.105.

6 (a) Within [120] 90 days after the end of the COUNTY'S fiscal year, the
7 authority shall send the county executive and the county council an annual financial
8 report:

9 (1) Concerning:

10 (i) The activities of the authority during the fiscal year;

11 (ii) The authority's financial standing at the end of the fiscal year;

12 and

13 (iii) Recommendations for the improvement and advancement of the
14 economic welfare of the county; and

15 (2) Containing the audit report required under subsection (b)(2) of this
16 section.

17 DRAFTER'S NOTE:

18 Error: Amendments enacted in Ch. 35, Acts of 1994 omitted from source
19 law of Ch. 268, Acts of 1996.

20 Occurred: Ch. 268, Acts of 1996.

21 **Chapter 509 of the Acts of 1979**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not take
23 effect until nine of the party states to the Southern Interstate Nuclear Compact
24 approve substantially the same changes in the Compact as are provided for in this Act
25 [and the Congress of the United States consents to the Compact, substantially as
26 amended by this Act]; and that upon that event the Governor of the State of
27 Maryland shall issue a proclamation declaring this Act valid and effective.

28 DRAFTER'S NOTE:

29 Error: Incorrect statement in Section 2 of Ch. 509, Acts of 1979, of the
30 constitutional requirements for enactment of changes to the Southern
31 States Energy Compact. The Office of the Attorney General has stated that
32 the United States Congress is not required to approve changes to an
33 existing compact. This change will give effect to Article 41, §§ 16-101

1 through 16-114.

2 Occurred: Ch. 509, Acts of 1979.

3 **Chapter 3 of the Acts of the First Special Session of 1992, as amended by**
4 **Chapter 91 of the Acts of 1994 and Chapter 357 of the Acts of 1996**

5 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding the
6 provisions of § 13-618(c) of the Transportation Article, the Motor Vehicle
7 Administration shall extend the Chesapeake Bay Commemorative Plate Program
8 until July 1, [1998] 2000.

9 DRAFTER'S NOTE:

10 Error: Failure to amend Ch. 357, Acts of 1996, when the identical chapter
11 law, Ch. 356, Acts of 1996, was amended to extend the Chesapeake Bay
12 Commemorative Plate Program to July 1, 2000.

13 Occurred: Chs. 140 and 141, Acts of 1998.

14 **Chapter 57 of the Acts of 1997**

15 [SECTION 18. AND BE IT FURTHER ENACTED, That, at the end of May 31,
16 1998, and with no further action required by the General Assembly, § 15-111 of the
17 Insurance Article, as enacted by Chapter _____ (H.B. 11) of the Acts of the General
18 Assembly of 1997, shall be void and § 15-111 of the Insurance Article, as enacted by
19 Section 3 of this Act, shall take effect. This section supersedes the termination and
20 abrogation provisions of Section 3 of Chapter 462 of the Acts of the General Assembly
21 of 1995.]

22 DRAFTER'S NOTE:

23 Error: Conflicting reference to the abrogation of § 15-111 of the
24 Insurance Article. This Act clarifies that the removal of the abrogation
25 pursuant to Ch. 134, Acts of 1997, supersedes Ch. 57, Acts of 1997.

26 Occurred: Ch. 57, Acts of 1997.

27 **Chapter 754 of the Acts of 1997, as amended by Chapter 21 of the Acts of 1998**

28 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
29 Sections 5 and 6 of this Act, this Act shall be construed only prospectively to apply to
30 offenses that are committed on or after [October] JULY 1, 1997, and may not be
31 applied or interpreted to have any effect on or application to any individual who
32 commits an offense before July 1, 1997.

33 DRAFTER'S NOTE:

34 Error: Incorrect change to the applicability section of Ch. 754, Acts of
35 1997, in the 1998 Corrective Bill.

1 Occurred: Ch. 21, Acts of 1998.

2 **Chapter 226 of the Acts of 1998**

3 SECTION 3. AND BE IT FURTHER ENACTED, That:

4 (a) This Act may not take effect until:

5 (1) a similar act is passed by a state listed in Article VIII, Section 20 of
6 the Compact contained in [§ 2-908] § 2-801 of the Agriculture Article as enacted by
7 this Act, and contiguous to Maryland to its north; and

8 (2) the United States Congress consents to the Compact, and the
9 conditions imposed by that consent have been met.

10 (b) The other listed states in the Northeast Dairy Compact are requested to
11 concur in this Act of the General Assembly of Maryland by the passage of similar Acts.

12 (c) The United States Congress is requested to consent to this Act.

13 (d) The Department of Legislative Services shall notify the appropriate
14 officials of the listed states and the United States Congress of the passage of this Act.

15 (e) Upon concurrence in this Act by at least two of the other listed states,
16 consent by the United States Congress, and meeting of the conditions imposed by that
17 consent, the Governor of the State of Maryland shall issue a proclamation declaring
18 this Act valid and effective and shall forward a copy of the proclamation to the
19 Executive Director of the Department of Legislative Services.

20 (f) This Act shall thereafter remain effective for a period of 2 years and, that
21 at the end of 2 years, with no further action required by the General Assembly, this
22 Act shall be abrogated and of no further force and effect.

23 DRAFTER'S NOTE:

24 Error: Incorrect cross-reference in Section 3 of Ch. 226, Acts of 1998.

25 Occurred: Ch. 226, Acts of 1998.

26 **Chapter 395 of the Acts of 1998**

27 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
28 Natural Resources shall conduct a study of the impacts of bank traps and channel
29 pounds on aquatic animals, including crabs, fish, turtles, birds, and mammals. The
30 Department shall include in its study whether mitigating measures are available to
31 prevent adverse impacts upon aquatic animals. The study shall also consider the
32 effectiveness and enforcement of current bank trap regulations. The study shall
33 continue over a 1-year period, and upon completion of this report, and no later than
34 December 1, 1999, the Department shall report its findings to the House
35 Environmental Matters Committee and the Senate Economic AND ENVIRONMENTAL

1 Affairs Committee. In its report, the Department shall make recommendations as to
2 whether the prohibition on the use of bank traps and channel pounds in St. Mary's
3 County should be repealed by the General Assembly.

4 DRAFTER'S NOTE:

5 Error: Incorrect reference to the Economic and Environmental Affairs
6 Committee in Section 2 of Ch. 395, Acts of 1998.

7 Occurred: Ch. 395, Acts of 1998.

8

Chapter 686 of the Acts of 1998

9 [SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 15-101(p)
10 through (y), 15-109(p) through (y), and 15-112(p) through (y), respectively, of Article
11 2B - Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be
12 Section(s) 15-101(o) through (x), 15-109(o) through (x), and 15-112(o) through (x),
13 respectively.]

14 DRAFTER'S NOTE:

15 Error: Obsolete numbering style in Article 2B, §§ 15-101, 15-109, and
16 15-112.

17 Occurred: Ch. 686, Acts of 1998.

18

Chapter 713 of the Acts of 1998

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect July 1, 1998. [It] ARTICLE 29, § 18-108, AS ENACTED BY SECTION 1 OF THIS ACT,
21 shall remain effective for a period of 18 months and, at the end of December 31, 1999,
22 with no further action required by the General Assembly, [this Act] § 18-108 shall be
23 abrogated and of no further force and effect.

24 DRAFTER'S NOTE:

25 Error: Failure to amend termination provision in Section 3 of Ch. 713,
26 Acts of 1998, to clarify that only the provisions relating to the Task Force
27 on Privatization are subject to termination.

28 Occurred: Ch. 713, Acts of 1998.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
30 read as follows:

31

**Chapter 379 of the Acts of 1996, as amended by Chapters 14 and 70 of the Acts
32 of 1997 and Chapters 598 and 599 of the Acts of 1998**

33 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall remain in
34 effect for a period of [2] 5 years and at the end of June 30, [1998] 2001, with no

1 further action required by the General Assembly, this Act shall be abrogated and of no
2 further force and effect.

3 DRAFTER'S NOTE:

4 Error: Inadvertent failure to extend sunset provision of Section 6 of
5 Chapter 379 of the Acts of the General Assembly of 1996, consistent with
6 Chapters 598 and 599 of the Acts of the General Assembly of 1998.

7 Occurred: Chs. 598 and 599, Acts of 1998.

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

10 **Article - Courts and Judicial Proceedings**

11 4-402.

12 (e) (1) In a civil action in which the amount in controversy exceeds
13 [\$5,000,] \$10,000, exclusive of attorney's fees if attorney's fees are recoverable by law
14 or contract, a party may demand a jury trial pursuant to the Maryland Rules.

15 DRAFTER'S NOTE:

16 Error: Incorrect money amount in § 4-402(e)(1) of the Courts Article.

17 Occurred: As a result of the ratification by the voters of Ch. 322, Acts of
18 1998 (Constitutional Amendment).

19 SECTION 4. AND BE IT FURTHER ENACTED, That the publisher of the
20 Annotated Code of Maryland, subject to the approval of the Department of Legislative
21 Services, shall make any changes in the text of the Annotated Code necessary to
22 effectuate any termination provision that was enacted by the General Assembly and
23 has taken effect or will take effect prior to October 1, 1999. Any enactment of the 1999
24 Session of the General Assembly that negates or extends the effect of a previously
25 enacted termination provision shall prevail over the provisions of this section.

26 SECTION 5. AND BE IT FURTHER ENACTED, That the Drafter's Notes
27 contained in this Act are not law and may not be considered to have been enacted as
28 part of this Act.

29 SECTION 6. AND BE IT FURTHER ENACTED, That the provisions of this
30 Act are intended solely to correct technical errors in the law and that there is no
31 intent to revive or otherwise affect law that is the subject of other acts, whether those
32 acts were signed by the Governor prior to or after the signing of this Act.

33 SECTION 7. AND BE IT FURTHER ENACTED, That any reference in the
34 Annotated Code rendered obsolete by an Act of the General Assembly of 1999 shall be
35 corrected by the publisher of the Annotated Code, in consultation with the
36 Department of Legislative Services, with no further action required by the General

1 Assembly. The publisher shall adequately describe any such correction in an editor's
2 note following the section affected.

3 SECTION 8. AND BE IT FURTHER ENACTED, That the publisher of the
4 Annotated Code of Maryland in consultation with and with approval of the
5 Department of Legislative Services, at the time of publication of a replacement
6 volume of any revised article of the Annotated Code, shall make nonsubstantive
7 corrections to style, capitalization, spelling, and any reference rendered obsolete by
8 an Act of the General Assembly, with no further action required by the General
9 Assembly.

10 SECTION 9. AND BE IT FURTHER ENACTED, That the changes to § 8-129
11 of the State Finance and Procurement Article, as enacted by Section 1 of this Act,
12 shall be applied retroactively to October 1, 1985.

13 SECTION 10. AND BE IT FURTHER ENACTED, That the changes to §
14 14-918 of the Tax - Property Article, as enacted by Section 1 of this Act, shall be
15 construed retroactively and shall be applied to and interpreted to affect refunds of
16 taxes and other charges distributed to a county or municipal corporation on or after
17 January 1, 1989.

18 SECTION 11. AND BE IT FURTHER ENACTED, That Section 2 of this Act
19 shall take effect June 1, 1998.

20 SECTION 12. AND BE IT FURTHER ENACTED, That the changes to §
21 4-402(e)(1) of the Courts Article, as enacted by Section 3 of this Act, shall be applied
22 retroactively to November 30, 1998.

23 SECTION 13. AND BE IT FURTHER ENACTED, That, except as provided in
24 Section 11 of this Act, this Act is an emergency measure, is necessary for the
25 immediate preservation of the public health and safety, has been passed by a ye and
26 nay vote supported by three-fifths of all the members elected to each of the two
27 Houses of the General Assembly, and shall take effect from the date it is enacted.