
By: **Delegates Montague and Bobo**
Introduced and read first time: February 3, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Circuit Courts - Civil Enforcement of Administrative Orders**

3 FOR the purpose of authorizing parties to seek civil enforcement of administrative
4 orders in the circuit courts under certain circumstances; providing for certain
5 venue, procedures, forms of relief, and defenses in an action for civil
6 enforcement of certain administrative orders; providing for the application of
7 this Act; and generally relating to authorizing actions in the circuit courts for
8 civil enforcement of administrative orders under certain circumstances.

9 BY adding to
10 Article - State Government
11 Section 10-222.1
12 Annotated Code of Maryland
13 (1999 Replacement Volume)

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

16 **Article - State Government**

17 10-222.1.

18 (A) A PARTY TO A CONTESTED CASE MAY TIMELY SEEK CIVIL ENFORCEMENT
19 OF AN ADMINISTRATIVE ORDER BY FILING A PETITION FOR CIVIL ENFORCEMENT IN
20 AN APPROPRIATE CIRCUIT COURT.

21 (B) UNLESS OTHERWISE REQUIRED BY STATUTE, A PARTY SHALL FILE A
22 PETITION FOR CIVIL ENFORCEMENT OF AN ADMINISTRATIVE ORDER IN THE CIRCUIT
23 COURT FOR THE COUNTY WHERE ANY PARTY RESIDES OR HAS A PRINCIPAL PLACE
24 OF BUSINESS.

25 (C) IN AN ACTION SEEKING CIVIL ENFORCEMENT OF AN ADMINISTRATIVE
26 ORDER A PARTY SHALL NAME, AS A DEFENDANT, EACH ALLEGED VIOLATOR AGAINST
27 WHOM THE PARTY SEEKS TO OBTAIN CIVIL ENFORCEMENT.

1 (D) A PARTY MAY NOT FILE AN ACTION FOR CIVIL ENFORCEMENT OF AN
2 ADMINISTRATIVE ORDER:

3 (1) UNTIL AT LEAST 60 DAYS AFTER THE ISSUANCE OF THE
4 ADMINISTRATIVE ORDER; OR

5 (2) IF A PETITION FOR JUDICIAL REVIEW OF THE ADMINISTRATIVE
6 ORDER HAS BEEN FILED AND IS PENDING IN A COURT.

7 (E) A PARTY IN AN ACTION FOR CIVIL ENFORCEMENT OF AN ADMINISTRATIVE
8 ORDER MAY REQUEST, AND A COURT MAY GRANT, ONE OR MORE OF THE FOLLOWING
9 FORMS OF RELIEF:

10 (1) DECLARATORY RELIEF;

11 (2) TEMPORARY OR PERMANENT INJUNCTIVE RELIEF;

12 (3) A WRIT OF MANDAMUS; OR

13 (4) ANY OTHER CIVIL REMEDY PROVIDED BY LAW.

14 (F) IN ADDITION TO ANY OTHER DEFENSE ALLOWED BY LAW, IN AN ACTION
15 FOR CIVIL ENFORCEMENT OF AN ADMINISTRATIVE ORDER A DEFENDANT MAY
16 DEFEND ON ONE OR MORE OF THE FOLLOWING GROUNDS:

17 (1) THE ADMINISTRATIVE ORDER DOES NOT APPLY TO THE DEFENDANT;

18 (2) THE DEFENDANT DID NOT VIOLATE THE ADMINISTRATIVE ORDER;
19 OR

20 (3) THE DEFENDANT VIOLATED, BUT SUBSEQUENTLY COMPLIED WITH,
21 THE ADMINISTRATIVE ORDER.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
23 construed only prospectively and may not be applied or interpreted to have any effect
24 on or application to any action for civil enforcement of an administrative order filed
25 before the effective date of this Act.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2000.