

SENATE BILL 619

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2001 Regular Session
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By: **Senators Hughes and Stone (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: February 2, 2001
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 8, 2001

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Sabotage and Related Crimes - Revision**

3 FOR the purpose of revising and restating the laws relating to sabotage and
4 hindering, delaying, or interfering with certain defense-related activities and
5 related crimes under certain circumstances; repealing certain provisions of law
6 relating to attempt and conspiracy to commit certain sabotage related offenses;
7 prohibiting certain activities relating to hindering, delaying, or interfering with
8 a defense-related activity; prohibiting the possession of certain identification
9 material under certain circumstances; prohibiting the unauthorized use of
10 certain identification materials under certain circumstances; clarifying the
11 rights of certain employees to engage in certain self-organization or labor
12 related activities under certain circumstances; expanding prohibitions against
13 certain trespass activities to include public property; authorizing certain
14 employees to detain certain trespassers under certain circumstances;
15 authorizing law enforcement officers to conduct warrantless arrests on certain
16 property under certain circumstances; authorizing certain persons to petition for
17 the closure or restricted public use of certain highways under certain
18 circumstances; requiring certain notice and hearing procedures for restrictions
19 on highway use under certain circumstances; establishing certain penalties;
20 providing that certain Committee Notes are not law; defining certain terms; and
21 generally relating to sabotage and related crimes.

22 BY repealing
23 Article 27 - Crimes and Punishments
24 Section 535 through 550 and the subheading "Sabotage Prevention"
25 Annotated Code of Maryland

1 (1996 Replacement Volume and 2000 Supplement)

2 BY adding to

3 Article 27 - Crimes and Punishments

4 Section 535 through 541, to be under the new subheading "Sabotage and

5 Related Crimes"

6 Annotated Code of Maryland

7 (1996 Replacement Volume and 2000 Supplement)

8 BY repealing and reenacting, with amendments,

9 Article 27 - Crimes and Punishments

10 Section 577

11 Annotated Code of Maryland

12 (1996 Replacement Volume and 2000 Supplement)

13 BY adding to

14 Article - Criminal Procedure

15 Section 2-210

16 Annotated Code of Maryland

17 (As enacted by Chapter____(S.B. 1) of the Acts of the General Assembly of 2001)

18 BY repealing and reenacting, without amendments,

19 Article - Transportation

20 Section 8-101

21 Annotated Code of Maryland

22 (1993 Replacement Volume and 2000 Supplement)

23 BY adding to

24 Article - Transportation

25 Section 8-627

26 Annotated Code of Maryland

27 (1993 Replacement Volume and 2000 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

29 MARYLAND, That the Laws of Maryland read as follows:

30 **Article 27 - Crimes and Punishments**

31 [Sabotage Prevention]

32 [535.

33 As used in this subtitle:

1 "Highway" includes any private or public street, way or other place used for
2 travel to or from property.

3 "Highway commissioners" means any individual, board or other body having
4 authority under then existing law to discontinue the use of the highway which it is
5 desired to restrict or close to public use and travel.

6 "Public utility" includes any pipeline, gas, electric, heat, water, oil, sewer,
7 telephone, telegraph, radio, railway, railroad, airplane, transportation,
8 communication or other system, by whomsoever owned or operated for public use.]

9 [536.

10 Whoever intentionally destroys, impairs, injures, interferes or tampers with real
11 or personal property with reasonable grounds to believe that such act will hinder,
12 delay or interfere with the preparation of the United States or of any of the states for
13 defense or for war, or with the prosecution of war by the United States, or by any
14 country with which the United States shall then maintain friendly relations, shall be
15 guilty of a felony and upon conviction, be punished by imprisonment in the
16 penitentiary for not more than ten (10) years, or by a fine of not more than ten
17 thousand dollars (\$10,000.00) or both; provided, if such person so acts with the intent
18 to hinder, delay or interfere with the preparation of the United States or of any of the
19 states for defense or for war, or with the prosecution of war by the United States, or by
20 any country with which the United States shall then maintain friendly relations, the
21 minimum punishment shall, upon conviction, be imprisonment in the penitentiary for
22 not less than one (1) year and the maximum punishment shall be as above provided.]
23 [537.

24 Whoever intentionally makes or causes to be made or omits to note on inspection
25 any defect in any article or thing with reasonable grounds to believe that such article
26 or thing is intended to be used in connection with the preparation of the United States
27 or any of the states for the defense or for war, or for the prosecution of war by the
28 United States, or by any country with which the United States shall then maintain
29 friendly relations, or that such article or thing is one of the number of similar articles
30 or things, some of which are intended so to be used, shall be guilty of a felony and
31 upon conviction, be punished by imprisonment in the penitentiary for not more than
32 ten (10) years, or a fine of not more than ten thousand dollars (\$10,000.00), or both;
33 provided, if such person so acts or so fails to act with the intent to hinder, delay or
34 interfere with the preparation of the United States or of any of the states for defense
35 or for war, or with the prosecution of war, by the United States, or by any country
36 with which the United States shall then maintain friendly relations, the minimum
37 punishment, upon conviction, shall be imprisonment in the penitentiary for not less
38 than one (1) year and the maximum punishment shall be as above provided.]

39 [538.

40 Whoever attempts to commit any of the crimes defined by this subtitle shall be
41 guilty of a felony and, upon conviction, be liable to one half the punishment prescribed
42 for the completed crime. In addition to the acts which constitute an attempt to commit

1 a crime under the laws of this State, the solicitation or incitement of another to
2 commit any of the crimes defined by this subtitle not followed by the commission of
3 the crime, the collection or assemblage of any materials with the intent that the same
4 are to be used then or at a later time in the commission of such crime, or the entry,
5 with or without permission, of a building, enclosure or other premises of another with
6 the intent to commit any such crime therein or thereon shall constitute an attempt to
7 commit such crime.]

8 [539.

9 If two or more persons conspire to commit any crime defined by this subtitle,
10 each of such persons is guilty of conspiracy and shall be deemed a felon subject to the
11 same punishment as if he had committed the crime which he conspired to commit,
12 whether or not any act be done in furtherance of the conspiracy. It shall not constitute
13 any defense or ground of suspension of judgment, sentence or punishment on behalf of
14 any person prosecuted under this section, that any of his fellow conspirators has been
15 acquitted, has not been arrested or convicted, is not amenable to justice or has been
16 pardoned or otherwise discharged before or after conviction.]

17 [541.

18 Any individual, partnership, association, corporation, municipal corporation or
19 state or any political subdivision thereof engaged in, or preparing to engage in, the
20 manufacture, transportation or storage of any product to be used in the preparation of
21 the United States or of any of the states for defense or for war or in the prosecution of
22 war by the United States, or by any country with which the United States shall then
23 maintain friendly relations, or the manufacture, transportation, distribution or
24 storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons
25 operating any public utility, whose property, except where it fronts on water or where
26 there are entrances for railway cars, vehicles, persons or things, is surrounded by a
27 fence or wall, or a fence or wall and buildings, may post around his or its property at
28 each gate, entrance, dock or railway entrance and every one hundred (100) feet of
29 waterfront a sign reading "No Entry Without Permission". Whoever without
30 permission of such owner shall wilfully enter upon premises so posted shall, upon
31 conviction, be deemed guilty of a misdemeanor, and be punished by imprisonment for
32 not more than ten (10) days, or a fine of not more than fifty dollars (\$50.00), or both.]
33 [542.

34 Any peace officer or any person employed as watchman, guard, or in a
35 supervisory capacity on premises posted as provided in § 541 may stop any person
36 found on any premises to which entry without permission is forbidden by § 541 and
37 may detain him for the purpose of demanding, and may demand, of him his name,
38 address and business in such place. If said peace officer or employee has reason to
39 believe from the answers of the persons so interrogated that such person has no right
40 to be in such place, said peace officer shall forthwith release such person or he may
41 arrest such person without a warrant on the charge of violating the provisions of §
42 541; and said employee shall forthwith release such person or turn him over to a

1 peace officer, who may arrest him without a warrant on the charge of violating the
2 provisions of § 541.]

3 [543.

4 Any individual, partnership, association, corporation, municipal corporation or
5 state or any political subdivision thereof engaged in or preparing to engage in the
6 manufacture, transportation or storage of any product to be used in the preparation of
7 the United States or any of the states for defense or for war or in the prosecution of
8 war by the United States, or by any country with which the United States shall then
9 maintain friendly relations, or in the manufacture, transportation, distribution or
10 storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons
11 operating any public utility, who has property so used which he or it believes will be
12 endangered if public use and travel is not restricted or prohibited on one or more
13 highways or parts thereof upon which such property abuts, may petition the highway
14 commissioners of the state or of any city, town or county to close one or more of said
15 highways or parts thereof to public use and travel or to restrict by order the use and
16 travel upon one or more of said highways or parts thereof.

17 Upon receipt of such petition, the highway commissioners shall set a day for
18 hearing and give notice thereof by publication in a newspaper having general
19 circulation in the city, town or county in which such property is located, such notice to
20 be at least seven (7) days prior to the date set for hearing. If after hearing the
21 highway commissioners determine that the public safety and the safety of the
22 property of the petitioner so require, they shall by suitable order close to public use
23 and travel or reasonably restrict the use of and travel upon one or more of said
24 highways or parts thereof; provided, the highway commissioners may issue written
25 permits to travel over the highways so closed or restricted to responsible and
26 reputable persons for such term, under such conditions and in such form as said
27 commissioners may prescribe. Appropriate notices in letters at least three (3) inches
28 high shall be posted conspicuously at each end of any highway so closed or restricted
29 by such order. The highway commissioners may at any time revoke or modify any
30 order so made.]

31 [544.

32 Whoever violates any order made under § 543 shall, upon conviction, be deemed
33 guilty of a misdemeanor, and be punished by imprisonment for not more than ten (10)
34 days, or a fine of not more than fifty dollars (\$50.00), or both.]

35 [545.

36 Nothing in this subtitle shall be construed to impair, curtail or destroy the rights
37 of employees and their representatives to self-organization, to form, join, or assist
38 labor organizations, to bargain collectively through representatives of their own
39 choosing, to strike, to picket, and to engage in concerted activities, for the purpose of
40 collective bargaining or other mutual aid or protection.]

1 [546.

2 If any provision of this subtitle or the application thereof to any person or
3 circumstances is held invalid, such invalidity shall not affect other provisions or
4 applications of this subtitle which can be given effect without the invalid provision or
5 application, and to this end the provisions of this subtitle are declared to be
6 severable.]

7 [547.

8 This subtitle may be cited as the Sabotage Prevention Act.]

9 [548.

10 If conduct prohibited by this subtitle is also made unlawful by another or other
11 laws, the offender may be convicted for the violation of this subtitle or of such other
12 law or laws.]

13 [549.

14 This subtitle and all lawful orders made under it shall continue in force and
15 effect until repealed by act of the General Assembly.]

16 [550.

17 (1) "Identification card" is defined for the purposes of this section as any card
18 or pass issued for the purpose of establishing the identity of any person and the right
19 of such person to be in or on any premises described in this section.

20 "Identification badge" is defined as any badge of metal or other composition, to
21 be worn by any person for the purpose of establishing his identity or right to be in or
22 on any premises described in this section.

23 (2) Any person having in his or her possession an identification card or
24 identification badge issued by any department of the State or of any political
25 subdivision thereof, or any municipal corporation, or by any corporation, firm or
26 individual operating any factory, warehouse, storage house, manufacturing, printing
27 or publishing establishment, mechanical or mercantile establishment, or any plant of
28 any kind, or any mine, colliery or quarry, or any electric railway, steam railway, water,
29 sewage, gas, electric light, power, transmission, heating, refrigerating, telephone or
30 other publicly owned or public service property in this State, in which or upon which
31 any person is required to have a special identification card or identification badge
32 issued by the owners and operators thereof before entering therein or thereon as an
33 employee or visitor, upon the termination of his or her employment or the time limits
34 of an authorized visit, shall surrender the same to the issuer thereof, and it shall be
35 unlawful for any such person to have such identification card or identification badge
36 in his or her possession after the termination of such employment or the expiration of
37 the time limits of an authorized visit.

1 (3) Any person finding or in any other way coming into the possession of an
2 identification card or identification badge, as defined in this section, shall
3 immediately surrender the same to the nearest State, county or city police station.

4 (4) No person shall wrongfully use any such identification badge or
5 identification card or aid or assist another in wrongfully using the same to enter any
6 place or establishment in which or upon which any person is required to have a
7 special identification card or identification badge.

8 (5) Any person who wilfully violates any of the provisions of this section shall,
9 upon conviction thereof, be deemed guilty of a misdemeanor and be punished by
10 imprisonment of not more than ten days or a fine of not more than \$50, or both.]

11 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): The Committee
12 questions the need for the existing sabotage offenses contained in Article 27, §§ 535
13 through 550, given various restrictions under federal law on sabotage or the
14 prevention of hindering, delaying, or interfering with defense related activities.

15 The Committee recommends that Article 27, § 538 and § 539, which prohibit
16 attempt and conspiracy of sabotage offenses, respectively, be repealed as unnecessary
17 as the common law offenses of attempt and conspiracy to commit an offense provide
18 penalties consistent with the commission of the offense.

19 The Committee recommends that the following provisions of Article 27 be
20 transferred as follows: (1) Article 27, § 541 to Article 27, § 577, by expanding the law
21 of trespass to public property; (2) Article 27, § 542 to § 2-210 of the Criminal
22 Procedure Article, as a condition of warrantless arrest; and (3) Article 27, § 543 and §
23 544 to § 8-627 of the Transportation Article, as they relate to the restricted use of
24 highways.

25 SABOTAGE AND RELATED CRIMES

26 535.

27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

29 (B) "DEFENSE-RELATED ACTIVITY" MEANS:

30 (1) THE PREPARATION OF THE UNITED STATES OR A STATE FOR
31 DEFENSE OR WAR; OR

32 (2) THE PROSECUTION OF WAR BY THE UNITED STATES OR A COUNTRY
33 WITH WHICH THE UNITED STATES MAINTAINS FRIENDLY RELATIONS.

34 (C) "IDENTIFICATION BADGE" MEANS A BADGE THAT A PERSON WEARS TO
35 SHOW THE PERSON'S IDENTITY OR RIGHT TO BE IN OR ON ANY PREMISES DESCRIBED
36 IN § 538 OF THIS SUBHEADING.

1 (D) "IDENTIFICATION CARD" MEANS A CARD OR PASS ISSUED FOR THE
2 PURPOSE OF ESTABLISHING THE IDENTITY AND THE RIGHT OF THE PERSON TO BE IN
3 OR ON ANY PREMISES DESCRIBED IN § 538 OF THIS SUBHEADING.

4 (E) "POLITICAL SUBDIVISION" MEANS A COUNTY, MUNICIPAL CORPORATION,
5 SPECIAL TAXING DISTRICT, OR PUBLIC CORPORATION OF THE STATE.

6 536.

7 (A) A PERSON MAY NOT DESTROY, IMPAIR, DAMAGE, OR INTERFERE OR
8 TAMPER WITH REAL OR PERSONAL PROPERTY WITH INTENT TO HINDER, DELAY, OR
9 INTERFERE WITH A DEFENSE-RELATED ACTIVITY.

10 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON
11 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE
12 NOT EXCEEDING \$10,000 OR BOTH.

13 537.

14 (A) A PERSON MAY NOT INTENTIONALLY:

15 (1) MAKE OR CAUSE TO BE MADE OR OMIT TO NOTE ON INSPECTION A
16 DEFECT IN A PRODUCT TO BE USED IN CONNECTION WITH A DEFENSE-RELATED
17 ACTIVITY; AND

18 (2) ACT, OR FAIL TO ACT, WITH INTENT TO HINDER, DELAY, OR
19 INTERFERE WITH A DEFENSE-RELATED ACTIVITY.

20 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON
21 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE
22 NOT EXCEEDING \$10,000 OR BOTH.

23 538.

24 (A) THIS SECTION APPLIES TO A PERSON POSSESSING AN IDENTIFICATION
25 CARD OR IDENTIFICATION BADGE REQUIRED FOR EMPLOYMENT OR VISITATION
26 THAT IS ISSUED BY:

27 (1) A UNIT OF THE STATE OR A POLITICAL SUBDIVISION; OR

28 (2) A PERSON THAT OWNS OR OPERATES IN THE STATE A:

29 (I) FACTORY OR WAREHOUSE OR A MANUFACTURING, PRINTING,
30 PUBLISHING, MECHANICAL, OR MERCANTILE ESTABLISHMENT OR A PLANT OF ANY
31 KIND;

32 (II) MINE OR QUARRY;

33 (III) RAILWAY; OR

1 (IV) WATER, SEWAGE, GAS, ELECTRIC, TRANSMISSION, HEATING,
2 REFRIGERATING, TELEPHONE, OR OTHER PUBLICLY OWNED OR PUBLIC SERVICE
3 COMPANY.

4 (B) A PERSON SHALL SURRENDER AN IDENTIFICATION CARD OR
5 IDENTIFICATION BADGE TO ITS ISSUER WHEN THE PERSON'S EMPLOYMENT OR
6 AUTHORIZED VISIT ENDS.

7 (C) A PERSON MAY NOT KNOWINGLY POSSESS AN IDENTIFICATION CARD OR
8 IDENTIFICATION BADGE AFTER THE PERSON'S EMPLOYMENT OR AUTHORIZED VISIT
9 ENDS.

10 (D) A PERSON WHO WILLFULLY VIOLATES THIS SECTION IS GUILTY OF A
11 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
12 EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

13 539.

14 (A) A PERSON WHO FINDS OR GAINS POSSESSION OF AN IDENTIFICATION
15 CARD OR IDENTIFICATION BADGE REQUIRED UNDER § 538 OF THIS SUBHEADING
16 SHALL SURRENDER IMMEDIATELY THE IDENTIFICATION CARD OR IDENTIFICATION
17 BADGE TO THE NEAREST POLICE STATION.

18 (B) IN ORDER TO ENTER A PLACE OR ESTABLISHMENT IN WHICH A PERSON IS
19 REQUIRED TO HAVE AN IDENTIFICATION CARD OR IDENTIFICATION BADGE UNDER §
20 538 OF THIS SUBHEADING, A PERSON MAY NOT WILLFULLY:

21 (1) MAKE UNAUTHORIZED USE OF AN IDENTIFICATION CARD OR
22 IDENTIFICATION BADGE; OR

23 (2) ASSIST ANOTHER IN THE UNAUTHORIZED USE OF AN
24 IDENTIFICATION CARD OR IDENTIFICATION BADGE.

25 (C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF
26 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
27 EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

28 540.

29 THIS SUBTITLE DOES NOT IMPAIR, CURTAIL, OR DESTROY THE RIGHTS OF
30 EMPLOYEES AND THEIR REPRESENTATIVES TO:

31 (1) SELF-ORGANIZATION;

32 (2) FORM, JOIN, OR ASSIST LABOR ORGANIZATIONS;

33 (3) BARGAIN COLLECTIVELY THROUGH REPRESENTATIVES OF THEIR
34 OWN CHOOSING; AND

35 (4) STRIKE, PICKET, OR ENGAGE IN CONCERTED ACTIVITIES FOR THE
36 PURPOSE OF COLLECTIVE BARGAINING OR OTHER MUTUAL AID OR PROTECTION.

1 541.

2 IF CONDUCT PROHIBITED BY THIS SUBHEADING IS ALSO UNLAWFUL UNDER
3 ANOTHER LAW, A PERSON MAY BE CONVICTED FOR THE VIOLATION OF THIS
4 SUBHEADING ~~OR~~ AND THE OTHER LAW.

5 577.

6 (a) (1) A person may not enter or trespass on any [private] property which
7 in a conspicuous manner is posted against trespassers by:

8 (i) Signs where they may reasonably be seen; or

9 (ii) Identifying paint marks that conform with regulations adopted
10 by the Department of Natural Resources and are made on trees or posts at each road
11 entrance and adjacent to public roadways, public waterways, and any other land
12 adjoining the property.

13 (2) (i) A person may not remain on, enter on, or cross over the land,
14 premises, or private property, including boarding any boat or other marine vessel of
15 another, after having been duly notified by the owner or the owner's agent not to do
16 so.

17 (ii) {The provisions of subparagraph (i) of this paragraph shall
18 apply to property used as a housing project and operated by a housing authority or by
19 another State public body, as those terms are defined under Article 44A of the Code,
20 if a duly authorized agent of the housing authority or other State public body gives
21 the required notification specified in subparagraph (i) of this paragraph.

22 (iii)} It is intended that this paragraph is only to prohibit any wanton
23 entry and may not be construed to apply to the entry on or crossing over any land
24 when the entry or crossing is done under a bona fide claim of right or ownership.

25 (3) Except when traveling on clearly designated private driveways, a
26 person may not operate or use an off-road vehicle on private property unless the
27 person has in the person's possession the written permission of the owner or tenant of
28 the property.

29 (4) (i) In this paragraph, "political subdivision" includes:

- 30 1. A county;
- 31 2. A municipal corporation;
- 32 3. A bicounty or multicounty agency;
- 33 4. A county board of education;
- 34 5. A public authority; or
- 35 6. A special taxing district.

1 (ii) Except as permitted by law, a person may not operate or use an
2 off-road vehicle on property owned or leased by the State or any political subdivision
3 with knowledge that the property is owned or leased by the State or any political
4 subdivision.

5 (5) (i) Unless a person has permission from the owner or agent of the
6 owner, a person may not enter on the cultivated land of another.

7 (ii) It is intended that this paragraph is only to prohibit wanton
8 entry on cultivated land, and may not be construed to:

9 1. Prevent persons who reside on cultivated land from
10 receiving any person who seeks to provide a lawful service; or

11 2. Apply to persons entering cultivated land under color of
12 law or color of title.

13 (6) A person may not enter or remain in the stable area of a racetrack
14 after having been duly notified by a racetrack official, security guard, or law
15 enforcement officer that the person is not allowed in that area.

16 (7) A person may not enter on the land or premises of another for the
17 purpose of invading the privacy of the occupants of any building or enclosure located
18 on the land or premises, by looking into any window, door, or other aperture of the
19 building or enclosure.

20 (b) A person who violates any provision of this section is guilty of a
21 misdemeanor and on conviction is subject to a fine of not more than \$500 or
22 imprisonment for not more than 90 days or both.

23 **Article - Criminal Procedure**

24 2-210.

25 (A) IF A PERSON EMPLOYED AS A WATCHMAN OR GUARD BELIEVES THAT A
26 PERSON IS TRESPASSING ON POSTED PROPERTY THAT IS USED FOR A
27 DEFENSE-RELATED ACTIVITY AS DEFINED IN ARTICLE 27, § 535 OF THE CODE, THE
28 EMPLOYEE MAY DETAIN THE PERSON AND NOTIFY A LAW ENFORCEMENT OFFICER.

29 (B) IF A LAW ENFORCEMENT OFFICER HAS PROBABLE CAUSE TO BELIEVE
30 THAT A PERSON HAS TRESPASSED ON POSTED PROPERTY THAT IS USED FOR A
31 DEFENSE-RELATED ACTIVITY AS DEFINED IN ARTICLE 27, § 535 OF THE CODE, THE
32 LAW ENFORCEMENT OFFICER MAY ARREST THE PERSON WITHOUT A WARRANT FOR
33 A VIOLATION OF ARTICLE 27, § 536 OR § 537 OF THE CODE.

34 **Article - Transportation**

35 8-101.

36 (a) In this title the following words have the meanings indicated.

- 1 (b) "Administration" means the State Highway Administration.
- 2 (c) "Administrator" means the State Highway Administrator.
- 3 (d) "Bicycle and pedestrian priority area" means a geographical area where
4 the enhancement of bicycle or pedestrian traffic is a priority.
- 5 (e) "Commission" means the State Roads Commission.
- 6 (f) "Controlled access highway" means a major highway with the same
7 characteristics as an expressway, except that the conflict of cross streams of traffic is
8 not eliminated necessarily at each intersection by grade separation structures.
- 9 (g) "County road" means any public highway:
- 10 (1) The title to which or the easement for the use of which, is vested in a
11 public body or governmental agency; and
- 12 (2) That is not a State highway or located in Baltimore City.
- 13 (h) "Expressway" means a major highway of two or more traffic lanes in each
14 direction that is designed to eliminate principal traffic hazards and has the following
15 characteristics:
- 16 (1) A median divider separating opposing traffic lanes to eliminate
17 head-on collisions and sideswiping;
- 18 (2) Grade separation structures to eliminate the conflict of cross streams
19 of traffic at each intersection;
- 20 (3) Points of entrance and exit limited to predetermined locations;
- 21 (4) Vertical curves long enough to provide long sight distances; and
- 22 (5) Shoulders wide enough to permit vehicles to stop or park out of traffic
23 lanes.
- 24 (i) "Highway" includes:
- 25 (1) Rights-of-way, roadway surfaces, roadway subgrades, shoulders,
26 median dividers, drainage facilities and structures, related stormwater management
27 facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway
28 grade separation structures, railroad grade separations, tunnels, overpasses,
29 underpasses, interchanges, entrance plazas, approaches, and other structures
30 forming an integral part of a street, road, or highway, including bicycle and walking
31 paths; and
- 32 (2) Any other property acquired for the construction, operation, or use of
33 the highway.

1 (j) "Interstate highway" means a State highway that is part of the national
2 interstate system in this State, as designated by the Administration and approved by
3 the United States Secretary of Transportation under Title 23 of the United States
4 Code.

5 (k) (1) "Maintenance" means the upkeep and repair by which a highway,
6 building, equipment, and other property is kept in an ordinarily efficient operating
7 condition.

8 (2) "Maintenance" does not include construction, reconstruction, or
9 relocation.

10 (l) "Primary highway" means a State highway that has been designated a
11 primary highway by the Administration with the approval of the Secretary.

12 (m) "Project" means the construction, reconstruction, or relocation of one or
13 more sections or parts of the State highway system.

14 (n) (1) "Railroad grade separation" means any overpass or underpass that
15 eliminates a railroad grade crossing.

16 (2) "Railroad grade separation" includes:

17 (i) The overpass and underpass structure and the approaches to
18 them;

19 (ii) Any related entrance plazas, interchanges, connecting
20 highways, and other structures; and

21 (iii) Any other property acquired for the construction, operation, or
22 use of the railroad grade separation.

23 (o) "Road" means a highway.

24 (p) "Secondary highway" means a State highway that is neither a primary
25 highway nor interstate highway.

26 (q) "State highway" means any public highway owned by this State.

27 (r) "State highway system" means the system of State-owned primary and
28 secondary highways throughout this State.

29 (s) "Street" means a highway.

30 8-627.

31 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
32 INDICATED.

33 (1) "DEFENSE-RELATED ACTIVITY" MEANS:

1 (I) THE PREPARATION OF THE UNITED STATES OR A STATE FOR
2 DEFENSE OR WAR; OR

3 (II) THE PROSECUTION OF WAR BY THE UNITED STATES OR A
4 COUNTRY WITH WHICH THE UNITED STATES MAINTAINS FRIENDLY RELATIONS.

5 (2) "HIGHWAY AUTHORITY" MEANS A GOVERNING BODY OR INDIVIDUAL
6 WITH THE AUTHORITY UNDER LAW TO RESTRICT OR CLOSE A HIGHWAY TO THE
7 PUBLIC.

8 (3) "POLITICAL SUBDIVISION" MEANS A COUNTY, MUNICIPAL
9 CORPORATION, SPECIAL TAXING DISTRICT, OR PUBLIC CORPORATION OF THE STATE.

10 (4) "PUBLIC UTILITY" INCLUDES A PIPELINE, GAS, ELECTRIC, HEAT,
11 WATER, OIL, SEWER, COMMUNICATION, RADIO, TRANSPORTATION, RAILROAD,
12 AIRPLANE, OR OTHER SYSTEM OWNED OR OPERATED FOR PUBLIC USE.

13 (B) THIS SECTION APPLIES TO PROPERTY OWNED BY A PERSON, THE STATE,
14 OR POLITICAL SUBDIVISION:

15 (1) ENGAGED IN, OR PREPARING TO ENGAGE IN, THE MANUFACTURE,
16 TRANSPORTATION, OR STORAGE OF A PRODUCT TO BE USED IN A DEFENSE-RELATED
17 ACTIVITY;

18 (2) ENGAGED IN, OR PREPARING TO ENGAGE IN, THE MANUFACTURE,
19 TRANSPORTATION, DISTRIBUTION, OR STORAGE OF GAS, OIL, COAL, ELECTRICITY, OR
20 WATER; OR

21 (3) OPERATING A PUBLIC UTILITY.

22 (C) AN OWNER OF PROPERTY DESCRIBED IN SUBSECTION (A) OF THIS
23 SECTION, WHO BELIEVES THAT THE PROPERTY WILL BE ENDANGERED IF PUBLIC
24 USE AND TRAVEL IS NOT RESTRICTED OR PROHIBITED ON A HIGHWAY ABUTTING
25 THE PROPERTY, MAY PETITION THE HIGHWAY AUTHORITY OF THE STATE OR A
26 POLITICAL SUBDIVISION, AS APPROPRIATE, TO CLOSE OR RESTRICT PUBLIC USE OF
27 AND TRAVEL ON THE HIGHWAY.

28 (D) ON RECEIVING THE PETITION, THE HIGHWAY AUTHORITY SHALL:

29 (1) SET A HEARING DATE; AND

30 (2) PROVIDE NOTICE OF THE HEARING AT LEAST 7 DAYS BEFORE THE
31 HEARING BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
32 POLITICAL SUBDIVISION WHERE THE PROPERTY IS LOCATED.

33 (E) (1) AFTER THE HEARING, THE HIGHWAY AUTHORITY MAY BY ORDER
34 CLOSE OR REASONABLY RESTRICT THE USE OF A PUBLIC HIGHWAY IF THE HIGHWAY
35 AUTHORITY DETERMINES THAT THE PUBLIC SAFETY AND THE SAFETY OF THE
36 PROPERTY REQUIRE THE CLOSURE OR RESTRICTION.

1 (2) THE HIGHWAY AUTHORITY SHALL CONSPICUOUSLY POST A NOTICE
2 IN LETTERS AT LEAST 3 INCHES HIGH AT EACH END OF A HIGHWAY THAT THE
3 HIGHWAY AUTHORITY CLOSES OR RESTRICTS.

4 (F) THE HIGHWAY AUTHORITY MAY ISSUE A WRITTEN PERMIT TO PERSONS
5 TO TRAVEL ON A CLOSED OR RESTRICTED HIGHWAY UNDER CONDITIONS THAT THE
6 HIGHWAY AUTHORITY ESTABLISHES.

7 (G) THE HIGHWAY AUTHORITY MAY REVOKE OR MODIFY AN ORDER ISSUED
8 UNDER THIS SECTION.

9 (H) A PERSON WHO VIOLATES AN ORDER ISSUED UNDER THIS SECTION IS
10 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT
11 NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Committee Notes
13 contained in this Act are not law.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2001.