

SENATE BILL 194
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2002 Regular Session
2lr1354

By: **Senator Bromwell**

Introduced and read first time: January 18, 2002

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: February 28, 2002

Returned to second reading: March 4, 2002

Senate action: Adopted with floor amendments

Read second time: Read second time: March 6, 2002

CHAPTER _____

1 AN ACT concerning

2

Underground Facilities - Marking Fees - ~~Prohibited~~

3 FOR the purpose of prohibiting a political subdivision or municipal corporation from
4 charging, assessing, or collecting from a person a fee for reimbursement of
5 expenses incurred for marking or re-marking an underground facility; making
6 an exception under certain circumstances for a certain political subdivision or
7 municipal corporation that on or before a certain date charged, assessed, or
8 collected certain fees for reimbursement of expenses incurred for marking or
9 re-marking an underground facility; and generally relating to marking fees.

10 BY repealing and reenacting, with amendments,

11 Article - Public Utility Companies

12 Section 12-111

13 Annotated Code of Maryland

14 (1998 Volume and 2001 Supplement)

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

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

17

Article - Public Utility Companies

18 12-111.

19 (a) (1) ~~A- EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION,~~

20 A political subdivision or municipal corporation may NOT charge, assess, or collect

1 from a person [a one-time] AN initial marking fee [not exceeding \$35] for
2 reimbursement of expenses that the political subdivision or municipal corporation
3 incurs to comply with this subtitle.

4 ~~(b)~~ (2) ~~IF EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION,~~
5 ~~IF~~ re-marking is requested, or is required after renotification under § 12-108(b) of
6 this subtitle, a political subdivision or municipal corporation may NOT charge, assess,
7 or collect from a person a re-marking fee [not exceeding \$15] for reimbursement of
8 expenses that the political subdivision or municipal corporation incurs to comply with
9 this subtitle.

10 (B) (1) THIS SUBSECTION APPLIES TO A POLITICAL SUBDIVISION OR
11 MUNICIPAL CORPORATION THAT ON OR BEFORE JANUARY 1, 2002, CHARGED,
12 ASSESSED, OR COLLECTED MARKING OR RE-MARKING FEES FOR REIMBURSEMENT
13 OF EXPENSES THAT THE POLITICAL SUBDIVISION OR MUNICIPAL CORPORATION
14 INCURRED TO COMPLY WITH THIS SUBTITLE.

15 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A
16 POLITICAL SUBDIVISION OR MUNICIPAL CORPORATION MAY CHARGE, ASSESS, OR
17 COLLECT FROM A PERSON FOR REIMBURSEMENT OF EXPENSES THAT THE
18 POLITICAL SUBDIVISION OR MUNICIPAL CORPORATION INCURS TO COMPLY WITH
19 THIS SUBTITLE:

20 (I) A ONETIME INITIAL MARKING FEE NOT EXCEEDING \$17.50; AND

21 (II) IF RE-MARKING IS REQUESTED, OR IS REQUIRED AFTER
22 NOTIFICATION UNDER § 12-108(B) OF THIS SUBTITLE, A RE-MARKING FEE NOT
23 EXCEEDING \$7.50.

24 (3) A POLITICAL SUBDIVISION OR MUNICIPAL CORPORATION MAY NOT
25 CHARGE, ASSESS, OR COLLECT FROM A PERSON AN INITIAL OR RE-MARKING FEE
26 UNDER THIS SUBSECTION IF THE POLITICAL SUBDIVISION OR MUNICIPAL
27 CORPORATION DETERMINES THAT THE MARKING OR RE-MARKING IS RELATED TO A
28 PROPOSED EXCAVATION OR DEMOLITION TO BE PERFORMED ON PRIVATE PROPERTY.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2002.