
By: **Senator Ruben**

Introduced and read first time: March 1, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Mercury Switch Removal from Vehicles**

3 FOR the purpose of requiring motor vehicle manufacturers to develop and submit a
4 mercury minimization plan that includes information on mercury switch
5 removal from motor vehicles to the Department of the Environment within a
6 certain number of days after the enactment date of this Act; establishing certain
7 requirements for a mercury minimization plan; requiring vehicle manufacturers
8 to pay certain costs associated with mercury switch removal; requiring the
9 Department to review the plan and make a determination about the status of
10 the plan within a certain number of days; authorizing the Department to impose
11 certain penalties for violators of a mercury minimization plan; authorizing a
12 scrap recycling facility to accept end-of-life vehicles that contain mercury
13 switches under certain circumstances; defining certain terms; authorizing the
14 Department to adopt rules and regulations to administer the program; requiring
15 an annual report containing certain information to be submitted to the
16 Department; and generally relating to mercury switch removal from motor
17 vehicles.

18 BY repealing and reenacting, without amendments,
19 Article - Environment
20 Section 6-904
21 Annotated Code of Maryland
22 (1996 Replacement Volume and 2005 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article - Environment
25 Section 6-905
26 Annotated Code of Maryland
27 (1996 Replacement Volume and 2005 Supplement)

28 BY adding to
29 Article - Environment
30 Section 6-905.3 through 6-905.5, inclusive
31 Annotated Code of Maryland

1 (1996 Replacement Volume and 2005 Supplement)

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

4 **Article - Environment**

5 6-904.

6 The General Assembly finds that:

7 (1) Mercury is a persistent and toxic pollutant that bioaccumulates in
8 the environment;

9 (2) Consumption of mercury-contaminated fish poses a significant
10 health threat;

11 (3) Combustion of municipal and other solid waste is a source of mercury
12 pollution;

13 (4) Both industry and government are working to reduce the content of
14 mercury in products and to control the release of mercury into the environment;

15 (5) Accidental mercury spills, breakages, and releases have occurred at
16 schools in the United States, exposing students, teachers, and administrators to
17 mercury emissions; and

18 (6) Removal of mercury and mercury containing products from the waste
19 stream prior to combustion or disposal is an effective way to reduce mercury
20 pollution.

21 6-905.

22 (a) In this part the following words have the meanings indicated.

23 (B) "CAPTURE RATE" MEANS THE ANNUAL REMOVAL, COLLECTION, AND
24 RECOVERY OF MERCURY SWITCHES AS A PERCENTAGE OF TOTAL NUMBER OF
25 MERCURY SWITCHES AVAILABLE FROM END-OF-LIFE VEHICLES.

26 (C) "END-OF-LIFE VEHICLE" MEANS A MOTOR VEHICLE THAT IS SOLD, GIVEN,
27 OR OTHERWISE CONVEYED TO A VEHICLE RECYCLER OR SCRAP RECYCLING
28 FACILITY FOR THE PURPOSE OF RECYCLING.

29 [(b)] (D) "Manufacturer" means a person that:

30 (1) Produces a product;

31 (2) For a multicomponent product, produces or assembles the final
32 product; or

1 (3) Serves as an importer or domestic distributor of a product produced
2 outside of the United States.

3 [(c)] (E) "Marketer" means a person who manufactures, assembles, sells,
4 distributes, affixes a brand name or private label to, or licenses the use of a brand
5 name on a fever thermometer containing mercury.

6 [(d)] (F) "Mercury-added product" means any of the following products if
7 containing elemental mercury or a mercury compound that has been added to the
8 product for any reason:

9 (1) Dyes or pigments;

10 (2) Electric switches;

11 (3) Fluorescent lamps; and

12 (4) Thermostats.

13 (G) "MERCURY MINIMIZATION PLAN" MEANS A PLAN FOR REMOVING,
14 COLLECTING, AND RECOVERING MERCURY SWITCHES FROM AN END-OF-LIFE
15 VEHICLE.

16 (H) "MERCURY SWITCH" MEANS ANY LIGHT SWITCH OR ANTILOCK BRAKING
17 SYSTEM SWITCH THAT CONTAINS MERCURY AND THAT IS INSTALLED BY A
18 MANUFACTURER IN A MOTOR VEHICLE.

19 (I) "MERCURY SWITCH ASSEMBLY" MEANS A LIGHT, ANTILOCK BRAKING
20 SYSTEM, OR OTHER SWITCH ASSEMBLY THAT CONTAINS A MERCURY SWITCH.

21 [(e)] (J) "Motor vehicle" has the meaning stated in § 11-135 of the
22 Transportation Article.

23 [(f)] (K) "Reclamation facility" means a site:

24 (1) Where equipment is used to recapture mercury from mercury-added
25 fluorescent lamps for the purpose of recycling or reusing the mercury; or

26 (2) That collects mercury containing components from mercury-added
27 fluorescent lamps for the eventual recapture and recycling or reuse of the mercury.

28 (L) "SCRAP RECYCLING FACILITY" MEANS A FIXED LOCATION WHERE
29 MACHINERY AND EQUIPMENT ARE USED FOR PROCESSING AND MANUFACTURING
30 SCRAP METAL INTO PREPARED GRADES AND THE PRINCIPAL PRODUCT IS SCRAP
31 IRON, STEEL, OR NONFERROUS METALLIC SCRAP FOR SALE AND REMELTING
32 PURPOSES.

33 (M) "VEHICLE MANUFACTURER" MEANS A PERSON THAT:

34 (1) IS THE LAST PERSON IN THE PRODUCTION OR ASSEMBLY PROCESS
35 OF A NEW MOTOR VEHICLE THAT USES MERCURY SWITCHES; OR

1 (2) SERVES AS AN IMPORTER OR DOMESTIC DISTRIBUTOR OF A MOTOR
2 VEHICLE THAT USES MERCURY SWITCHES PRODUCED OUTSIDE OF THE UNITED
3 STATES.

4 (N) "VEHICLE RECYCLER" MEANS A PERSON ENGAGED IN THE BUSINESS OF
5 ACQUIRING, DISMANTLING, OR DESTROYING SIX OR MORE END-OF-LIFE VEHICLES
6 IN A CALENDAR YEAR FOR THE PRIMARY PURPOSE OF RESALE AND PARTS.

7 6-905.3.

8 (A) THIS SECTION APPLIES TO A VEHICLE MANUFACTURER THAT SELLS
9 MOTOR VEHICLES WITHIN THE STATE.

10 (B) ON OR BEFORE DECEMBER 31, 2006, A VEHICLE MANUFACTURER SHALL
11 DEVELOP A MERCURY MINIMIZATION PLAN AND SUBMIT IT TO THE DEPARTMENT
12 FOR REVIEW AND APPROVAL.

13 (C) THE PLAN SHALL CONTAIN:

14 (1) INFORMATION IDENTIFYING THE MAKE, MODEL, AND YEAR OF
15 VEHICLES THAT MAY CONTAIN A MERCURY SWITCH, INCLUDING:

16 (I) LOCATION OF THE SWITCH;

17 (II) LOCATION OF A MERCURY SWITCH ASSEMBLY; AND

18 (III) INFORMATION REGARDING THE SAFE AND ENVIRONMENTALLY
19 SOUND METHOD FOR REMOVING THE SWITCH FROM END-OF-LIFE VEHICLES;

20 (2) EDUCATIONAL MATERIAL TO ASSIST A VEHICLE RECYCLER OR A
21 SCRAP RECYCLING FACILITY TO UNDERTAKE A SAFE METHOD FOR REMOVAL OF
22 MERCURY SWITCHES AND ASSEMBLIES, INCLUDING INFORMATION ON THE HAZARDS
23 AND PROPER HANDLING OF MERCURY;

24 (3) A PROPOSAL FOR THE METHOD OF STORAGE OR DISPOSAL OF
25 MERCURY SWITCHES AND ASSEMBLIES, INCLUDING THE METHOD OF PACKAGING
26 AND SHIPPING;

27 (4) A PROPOSAL FOR THE STORAGE OF MERCURY SWITCHES AND
28 MERCURY SWITCH ASSEMBLIES COLLECTED AND RECOVERED IN THE EVENT THAT
29 APPROPRIATE MANAGEMENT TECHNOLOGIES ARE NOT AVAILABLE;

30 (5) A PLAN FOR IMPLEMENTING AND FINANCING THE SYSTEM, IN
31 ACCORDANCE WITH PARAGRAPH (6) OF THIS SUBSECTION; AND

32 (6) INFORMATION THAT ESTABLISHES THE FINANCING OF THE
33 REMOVAL, COLLECTION, AND RECOVERY SYSTEM FOR MERCURY SWITCHES,
34 INCLUDING:

1 (I) A VEHICLE MANUFACTURER SHALL PAY THE COSTS
2 ASSOCIATED WITH THE REMOVAL, COLLECTION, AND RECOVERY FOR MERCURY
3 SWITCHES;

4 (II) A VEHICLE MANUFACTURER SHALL ESTABLISH A METHOD TO
5 ENSURE THE PROMPT PAYMENT TO A VEHICLE RECYCLER, A SCRAP RECYCLING
6 FACILITY, AND THE DEPARTMENT;

7 (III) COSTS PAID BY A MANUFACTURER SHALL INCLUDE THE
8 FOLLOWING:

9 1. A MINIMUM OF \$3 FOR EACH MERCURY SWITCH OR
10 MERCURY SWITCH ASSEMBLY REMOVED BY A VEHICLE RECYCLER IN ACCORDANCE
11 WITH § 6-905.4 OF THIS SUBTITLE AS PARTIAL COMPENSATION FOR THE LABOR AND
12 OTHER COSTS INCURRED BY A VEHICLE RECYCLER IN THE REMOVAL OF THE
13 MERCURY SWITCH OR MERCURY SWITCH ASSEMBLY;

14 2. A MINIMUM OF \$3 FOR EACH MERCURY SWITCH OR
15 MERCURY SWITCH ASSEMBLY REMOVED BY A SCRAP RECYCLING FACILITY IN
16 ACCORDANCE WITH § 6-905.4 OF THIS SUBTITLE AS PARTIAL COMPENSATION FOR
17 THE LABOR AND OTHER COSTS INCURRED BY A SCRAP RECYCLING FACILITY IN THE
18 REMOVAL OF THE MERCURY SWITCH OR MERCURY SWITCH ASSEMBLY; AND

19 3. \$1 FOR EACH MERCURY SWITCH OR MERCURY SWITCH
20 ASSEMBLY REMOVED BY A VEHICLE RECYCLER OR BY A SCRAP RECYCLING FACILITY
21 IN ACCORDANCE WITH § 6-905.4 OF THIS SUBTITLE AS PARTIAL COMPENSATION FOR
22 THE DEPARTMENT FOR COSTS INCURRED IN ADMINISTERING AND ENFORCING THE
23 PROVISIONS OF THIS SUBTITLE;

24 (IV) PACKAGING FOR TRANSPORTING MERCURY SWITCHES AND
25 MERCURY SWITCH ASSEMBLIES TO RECYCLING, STORAGE, OR DISPOSAL FACILITIES;

26 (V) SHIPPING OF MERCURY SWITCHES AND MERCURY SWITCH
27 ASSEMBLIES TO RECYCLING, STORAGE, OR DISPOSAL FACILITIES;

28 (VI) RECYCLING, STORAGE, OR DISPOSAL OF THE MERCURY SWITCH
29 ASSEMBLIES TO RECYCLING, STORAGE, OR DISPOSAL FACILITIES;

30 (VII) PREPARATION AND DISTRIBUTION TO VEHICLE RECYCLERS
31 AND SCRAP RECYCLING FACILITIES OF THE EDUCATIONAL MATERIALS REQUIRED IN
32 ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION; AND

33 (VIII) MAINTENANCE OF ALL APPROPRIATE RECORD-KEEPING
34 SYSTEMS.

35 (D) (1) WITHIN 60 DAYS AFTER RECEIVING A MERCURY MINIMIZATION
36 PLAN, THE DEPARTMENT SHALL APPROVE, DISAPPROVE, OR CONDITIONALLY
37 APPROVE THE ENTIRE MERCURY MINIMIZATION PLAN.

1 (2) THE DEPARTMENT MAY RECEIVE INPUT FROM A REPRESENTATIVE
2 OF A VEHICLE RECYCLER, SCRAP RECYCLING FACILITY, OR ANY OTHER
3 STAKEHOLDER AS THE DEPARTMENT DETERMINES NECESSARY.

4 (3) IF THE ENTIRE MERCURY MINIMIZATION PLAN IS APPROVED, THE
5 VEHICLE MANUFACTURER SHALL BEGIN IMPLEMENTATION WITHIN 120 DAYS AFTER
6 APPROVAL, OR AS OTHERWISE DETERMINED BY THE DEPARTMENT.

7 (4) (I) IF THE ENTIRE MERCURY MINIMIZATION PLAN IS
8 DISAPPROVED, THE DEPARTMENT SHALL INFORM THE VEHICLE MANUFACTURER OF
9 THE REASONS FOR THE DISAPPROVAL.

10 (II) THE MANUFACTURER HAS 30 DAYS AFTER RECEIVING NOTICE
11 OF THE DISAPPROVED PLAN TO SUBMIT A NEW MERCURY MINIMIZATION PLAN.

12 (5) (I) THE DEPARTMENT MAY APPROVE THOSE PARTS OF A MERCURY
13 MINIMIZATION PLAN THAT MEET THE REQUIREMENTS OF SUBSECTION (C) OF THIS
14 SECTION AND DISAPPROVE ANY PARTS THAT DO NOT COMPLY WITH THE
15 REQUIREMENTS.

16 (II) A MANUFACTURER SHALL:

17 1. IMPLEMENT THE APPROVED PARTS OF A PLAN WITHIN 30
18 DAYS AFTER APPROVAL OR AS OTHERWISE DETERMINED BY THE DEPARTMENT; AND

19 2. SUBMIT A REVISED MERCURY MINIMIZATION PLAN FOR
20 THE DISAPPROVED PARTS WITHIN 30 DAYS AFTER RECEIVING NOTIFICATION OF THE
21 DISAPPROVAL FROM THE DEPARTMENT.

22 (III) THE DEPARTMENT SHALL REVIEW AND APPROVE,
23 CONDITIONALLY APPROVE, OR DISAPPROVE A REVISED MERCURY MINIMIZATION
24 PLAN WITHIN 30 DAYS AFTER RECEIVING THE PLAN.

25 (6) (I) ON OR AFTER 120 DAYS FROM THE DATE THE DEPARTMENT
26 RECEIVES A MERCURY MINIMIZATION PLAN, IF THE DEPARTMENT HAS NEITHER
27 APPROVED NOR DISAPPROVED THE MERCURY MINIMIZATION PLAN IN ACCORDANCE
28 WITH THIS SUBSECTION, THE MERCURY MINIMIZATION PLAN SHALL BE
29 CONSIDERED CONDITIONALLY APPROVED.

30 (II) A VEHICLE MANUFACTURER SHALL IMPLEMENT A
31 CONDITIONALLY EFFECTIVE MERCURY MINIMIZATION PLAN WITHIN 30 DAYS AFTER
32 RECEIVING APPROVAL OR AS OTHERWISE DETERMINED BY THE DEPARTMENT.

33 (E) THE DEPARTMENT MAY COMPLETE, ON BEHALF OF A VEHICLE
34 MANUFACTURER, ANY PORTION OF A MERCURY MINIMIZATION PLAN THAT HAS NOT
35 BEEN APPROVED BY MAY 31, 2007.

36 (F) THE DEPARTMENT MAY REVIEW A MERCURY MINIMIZATION PLAN
37 APPROVED IN ACCORDANCE WITH THIS SECTION AND RECOMMEND MODIFICATIONS

1 IT CONSIDERS NECESSARY AT ANY TIME IF THE DEPARTMENT DETERMINES THAT
2 THE APPROVED MERCURY MINIMIZATION PLAN IS DEFICIENT.

3 (G) THE DEPARTMENT MAY ADOPT REGULATIONS TO ADMINISTER THE
4 PROVISIONS OF THIS SECTION.

5 6-905.4.

6 (A) THIS SECTION APPLIES TO ANY PERSON THAT HAS ANY PART OF THE
7 IMPLEMENTATION OF A MERCURY MINIMIZATION PLAN IN ACCORDANCE WITH §
8 6-905.3 OF THIS SUBTITLE.

9 (B) (1) UNLESS A MERCURY SWITCH OR MERCURY SWITCH ASSEMBLY IS
10 INACCESSIBLE DUE TO SIGNIFICANT DAMAGE TO THE VEHICLE IN THE AREA
11 SURROUNDING THE LOCATION OF THE MERCURY SWITCH, WITHIN 120 DAYS AFTER
12 THE APPROVAL OR CONDITIONAL APPROVAL OF A MERCURY MINIMIZATION PLAN, A
13 VEHICLE RECYCLER THAT SELLS, GIVES, OR OTHERWISE CONVEYS OWNERSHIP OF
14 AN END-OF-LIFE VEHICLE TO A SCRAP RECYCLING FACILITY FOR RECYCLING SHALL
15 REMOVE ALL MERCURY SWITCHES OR MERCURY SWITCH ASSEMBLIES IDENTIFIED
16 IN THE APPROVED MERCURY MINIMIZATION PLAN FROM THE END-OF-LIFE VEHICLE
17 BEFORE DELIVERY TO A SCRAP RECYCLING FACILITY.

18 (2) THE CAPTURE RATE GOAL FOR A MERCURY SWITCH OR MERCURY
19 SWITCH ASSEMBLY SHALL BE AT LEAST 90%.

20 (3) IF THE MOTOR VEHICLE IS DAMAGED, THE DAMAGE SHALL BE
21 NOTED ON THE NORMAL BUSINESS RECORDS OF THE VEHICLE RECYCLER THAT
22 DELIVERED THE END-OF-LIFE VEHICLE TO THE SCRAP RECYCLING FACILITY.

23 (4) IF THE MERCURY SWITCH ASSEMBLY IS CORRODED OR DAMAGED AS
24 TO MAKE REMOVAL OF THE MERCURY PELLET FROM THE MERCURY SWITCH
25 ASSEMBLY IMPRACTICAL OR POSE A DANGER OF DAMAGE TO THE PELLET, THE
26 ENTIRE MERCURY SWITCH ASSEMBLY SHALL BE REMOVED.

27 (C) (1) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A SCRAP
28 RECYCLING FACILITY MAY AGREE TO ACCEPT AN END-OF-LIFE VEHICLE,
29 CONTAINING MERCURY SWITCHES, THAT HAS NOT BEEN INTENTIONALLY
30 FLATTENED, CRUSHED, OR BALED.

31 (2) A SCRAP RECYCLING FACILITY SHALL BE RESPONSIBLE FOR
32 REMOVING THE MERCURY SWITCHES OR MERCURY SWITCH ASSEMBLIES
33 IDENTIFIED IN THE MERCURY MINIMIZATION PLAN APPROVED IN ACCORDANCE
34 WITH § 6-905.3 OF THIS SUBTITLE BEFORE THE END-OF-LIFE VEHICLE IS
35 INTENTIONALLY FLATTENED, CRUSHED, BALED, OR SHREDDED.

36 (D) (1) A VEHICLE RECYCLER OR SCRAP RECYCLING FACILITY THAT
37 REMOVES A MERCURY SWITCH OR MERCURY SWITCH ASSEMBLY IN ACCORDANCE
38 WITH THIS SECTION SHALL MAINTAIN RECORDS DOCUMENTING THE NUMBER OF
39 MERCURY SWITCHES AND MERCURY SWITCH ASSEMBLIES COLLECTED, THE

1 NUMBER OF END-OF-LIFE VEHICLES CONTAINING MERCURY SWITCHES, AND THE
2 NUMBER OF END-OF-LIFE VEHICLES PROCESSED FOR RECYCLING.

3 (2) THE RECORDS REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION
4 SHALL BE MADE AVAILABLE FOR REVIEW BY THE DEPARTMENT ON THE REQUEST OF
5 THE DEPARTMENT.

6 (E) A PERSON MAY NOT FALSELY REPRESENT THAT MERCURY SWITCHES OR
7 MERCURY SWITCH ASSEMBLIES HAVE BEEN REMOVED FROM AN END-OF-LIFE
8 VEHICLE BEING SOLD, GIVEN, OR OTHERWISE CONVEYED FOR RECYCLING IF THAT
9 PERSON HAS NOT REMOVED THE MERCURY SWITCHES OR MERCURY SWITCH
10 ASSEMBLIES, OR ARRANGED WITH ANOTHER PERSON TO REMOVE THE MERCURY
11 SWITCHES OR MERCURY SWITCH ASSEMBLIES.

12 (F) ON REMOVAL, MERCURY SWITCHES AND MERCURY SWITCH ASSEMBLIES
13 SHALL BE COLLECTED, STORED, TRANSPORTED, AND OTHERWISE HANDLED AS
14 REQUIRED BY THE MERCURY MINIMIZATION PLAN APPROVED IN ACCORDANCE WITH
15 § 6-905.3 OF THIS SUBTITLE AND WITH ANY PROVISIONS OR REGULATIONS
16 CONCERNING WASTE IN ACCORDANCE WITH TITLE 9 OF THIS ARTICLE.

17 (G) (1) ON OR AFTER 1 YEAR OF THE IMPLEMENTATION OF A MERCURY
18 MINIMIZATION PLAN APPROVED IN ACCORDANCE WITH § 6-905.3 OF THIS SUBTITLE,
19 A MANUFACTURER SHALL REPORT TO THE DEPARTMENT CONCERNING THE
20 IMPLEMENTATION OF THE MERCURY MINIMIZATION PLAN.

21 (2) THE REPORT SHALL INCLUDE:

22 (I) A DETAILED DESCRIPTION AND DOCUMENTATION OF THE
23 CAPTURE RATE ACHIEVED, IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION;

24 (II) A DESCRIPTION OF ADDITIONAL OR ALTERNATIVE ACTIONS
25 THAT MAY BE IMPLEMENTED TO IMPROVE THE MERCURY MINIMIZATION PLAN AND
26 ITS IMPLEMENTATION IN THE EVENT THAT A MERCURY SWITCH OR MERCURY
27 SWITCH ASSEMBLY CAPTURE RATE OF AT LEAST 90% IS NOT ACHIEVED;

28 (III) THE NUMBERS OF MERCURY SWITCHES AND MERCURY SWITCH
29 ASSEMBLIES COLLECTED, END-OF-LIFE VEHICLES CONTAINING MERCURY
30 SWITCHES, AND END-OF-LIFE VEHICLES PROCESSED FOR RECYCLING;

31 (IV) A DESCRIPTION OF HOW THE MERCURY SWITCHES AND
32 MERCURY SWITCH ASSEMBLIES WERE MANAGED; AND

33 (V) A DESCRIPTION OF THE AMOUNTS PAID TO COVER THE COSTS
34 OF IMPLEMENTING THE MERCURY MINIMIZATION PLAN.

35 (H) THE DEPARTMENT MAY DISCONTINUE THE REQUIREMENT FOR THE
36 ANNUAL REPORT IF IT DETERMINES THAT MERCURY SWITCHES IN END-OF-LIFE
37 VEHICLES NO LONGER POSE A SIGNIFICANT THREAT TO THE ENVIRONMENT OR TO
38 PUBLIC HEALTH.

1 (I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ADMINISTER THE
2 PROVISIONS OF THIS SECTION.

3 6-905.5.

4 (A) IF A PERSON VIOLATES ANY PROVISION OR ANY REGULATION ADOPTED IN
5 ACCORDANCE WITH § 6-905.4 OF THIS SUBTITLE, THE DEPARTMENT:

6 (1) MAY ISSUE AN ORDER THAT:

7 (I) SPECIFIES THE PROVISION THAT ALLEGEDLY HAS BEEN
8 VIOLATED;

9 (II) STATES THE ACTIONS NECESSARY TO CORRECT THE
10 VIOLATION AND THE TIME ALLOWED FOR CORRECTION; AND

11 (III) STATES THE PROCEDURE FOR REQUESTING A HEARING TO
12 RESPOND TO THE VIOLATION ALLEGED IN THE ORDER, IN ACCORDANCE WITH
13 SUBSECTION (B) OF THIS SECTION;

14 (2) MAY IMPOSE AN ADMINISTRATIVE PENALTY NOT TO EXCEED:

15 (I) \$7,500 FOR A FIRST OFFENSE;

16 (II) \$10,000 FOR A SECOND OFFENSE; AND

17 (III) \$25,000 FOR A THIRD AND EVERY SUBSEQUENT OFFENSE;

18 (3) MAY NOT LEVY AN ASSESSMENT IN ACCORDANCE WITH THIS
19 SECTION UNTIL AFTER THE VIOLATOR HAS BEEN NOTIFIED OF THE VIOLATION BY
20 CERTIFIED MAIL OR PERSONAL SERVICE;

21 (4) MAY BRING AN ACTION FOR AN INJUNCTION AGAINST ANY PERSON
22 THAT VIOLATES ANY PROVISION OR A REGULATION OR ORDER ISSUED BY THE
23 DEPARTMENT IN ACCORDANCE WITH § 6-905.4 OF THIS SUBTITLE; AND

24 (5) MAY PETITION THE ATTORNEY GENERAL TO BRING A CRIMINAL
25 ACTION IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION.

26 (B) (1) THE DEPARTMENT SHALL PROVIDE NOTICE OF A VIOLATION BY
27 CERTIFIED MAIL OR PERSONAL SERVICE.

28 (2) A PERSON THAT RECEIVES NOTICE SHALL HAVE 20 DAYS AFTER
29 RECEIVING THE NOTICE TO REQUEST A HEARING.

30 (3) AFTER THE HEARING, IF THE DEPARTMENT FINDS THAT A
31 VIOLATION HAS OCCURRED, THE ORDER SHALL BECOME A FINAL ORDER.

32 (4) AFTER THE 20 DAY REQUEST PERIOD, IF NO HEARING IS REQUESTED,
33 THE ORDER SHALL BECOME A FINAL ORDER.

1 (C) IF THE DEPARTMENT PURSUES ANY OF THE REMEDIES SPECIFIED UNDER
2 THIS SECTION, THE DEPARTMENT IS NOT PRECLUDED FROM SEEKING ANY OTHER
3 REMEDY AFFORDED IT UNDER THIS SECTION.

4 (D) ANY PENALTY IMPOSED UNDER THIS SECTION MAY BE COLLECTED, WITH
5 COSTS, IN A SUMMARY PROCEEDING IN ACCORDANCE WITH THE PROCEDURES OF
6 THE COURT.

7 (E) IN ANY ACTION FOR AN INJUNCTION, THE COURT MAY GRANT
8 TEMPORARY OR INTERLOCUTORY RELIEF, INCLUDING:

9 (1) A TEMPORARY OR PERMANENT INJUNCTION; OR

10 (2) AN ASSESSMENT OF THE VIOLATOR FOR THE REASONABLE COSTS
11 OF:

12 (I) ANY INSPECTION THAT LED TO THE ESTABLISHMENT OF THE
13 VIOLATION; AND

14 (II) PREPARING AND LITIGATING THE ACTION BROUGHT UNDER
15 SUBSECTION (A)(4) OF THIS SECTION.

16 (F) (1) A PERSON WHO WILLFULLY OR NEGLIGENTLY VIOLATES THE
17 PROVISIONS OF § 6-905.4 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON
18 CONVICTION OF A FIRST OFFENSE IS SUBJECT TO A FINE OF AT LEAST \$2,500 BUT
19 NOT EXCEEDING \$25,000.

20 (2) A SECOND OFFENSE UNDER THIS SUBSECTION SHALL SUBJECT THE
21 VIOLATOR TO A FINE OF AT LEAST \$5,000, BUT NOT EXCEEDING \$50,000.

22 (3) A PERSON THAT KNOWINGLY MAKES A FALSE STATEMENT,
23 REPRESENTATION, OR CERTIFICATION IN ANY APPLICATION, RECORD, OR OTHER
24 DOCUMENT FILED OR REQUIRED TO BE MAINTAINED UNDER THIS SUBTITLE OR
25 THAT FALSIFIES, TAMPERS WITH, OR KNOWINGLY RENDERS INACCURATE ANY
26 MONITORING DEVICE OR METHOD REQUIRED TO BE MAINTAINED IN ACCORDANCE
27 WITH THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS
28 SUBJECT TO A FINE NOT EXCEEDING \$10,000.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2006.