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By: **Senator Ruben**

Introduced and read first time: March 1, 2006

Assigned to: Rules

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 22, 2006

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CHAPTER \_\_\_\_\_

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

1 Section 6-905  
2 Annotated Code of Maryland  
3 (1996 Replacement Volume and 2005 Supplement)

4 BY adding to  
5 Article - Environment  
6 Section 6-905.3 through 6-905.5, inclusive  
7 Annotated Code of Maryland  
8 (1996 Replacement Volume and 2005 Supplement)

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

11 **Article - Environment**

12 6-904.

13 The General Assembly finds that:

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

16 (2) Consumption of mercury-contaminated fish poses a significant  
17 health threat;

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

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

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

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

28 6-905.

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

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

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

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

5 (1) Produces a product;

6 (2) For a multicomponent product, produces or assembles the final  
7 product; or

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

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

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

16 (1) Dyes or pigments;

17 (2) Electric switches;

18 (3) Fluorescent lamps; and

19 (4) Thermostats.

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

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

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

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

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

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

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

1 (L) "SCRAP RECYCLING FACILITY" MEANS A FIXED LOCATION WHERE  
2 MACHINERY AND EQUIPMENT ARE USED FOR PROCESSING AND MANUFACTURING  
3 SCRAP METAL INTO PREPARED GRADES AND THE PRINCIPAL PRODUCT IS SCRAP  
4 IRON, STEEL, OR NONFERROUS METALLIC SCRAP FOR SALE AND REMELTING  
5 PURPOSES.

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

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

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

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

15 6-905.3.

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

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

21 (C) THE PLAN SHALL CONTAIN:

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

24 (I) LOCATION OF THE SWITCH;

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

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

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

32 (3) A PROPOSAL FOR THE METHOD OF STORAGE OR DISPOSAL OF  
33 MERCURY SWITCHES AND ASSEMBLIES, INCLUDING THE METHOD OF PACKAGING  
34 AND SHIPPING;

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

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

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

9 (I) A VEHICLE MANUFACTURER SHALL PAY THE COSTS  
10 ASSOCIATED WITH THE REMOVAL, COLLECTION, AND RECOVERY FOR MERCURY  
11 SWITCHES;

12 (II) A VEHICLE MANUFACTURER SHALL ESTABLISH A METHOD TO  
13 ENSURE THE PROMPT PAYMENT TO A VEHICLE RECYCLER, A SCRAP RECYCLING  
14 FACILITY, AND THE DEPARTMENT;

15 (III) COSTS PAID BY A MANUFACTURER SHALL INCLUDE THE  
16 FOLLOWING:

17 1. A MINIMUM OF \$3 FOR EACH MERCURY SWITCH OR  
18 MERCURY SWITCH ASSEMBLY REMOVED BY A VEHICLE RECYCLER IN ACCORDANCE  
19 WITH § 6-905.4 OF THIS SUBTITLE AS PARTIAL COMPENSATION FOR THE LABOR AND  
20 OTHER COSTS INCURRED BY A VEHICLE RECYCLER IN THE REMOVAL OF THE  
21 MERCURY SWITCH OR MERCURY SWITCH ASSEMBLY;

22 2. A MINIMUM OF \$3 FOR EACH MERCURY SWITCH OR  
23 MERCURY SWITCH ASSEMBLY REMOVED BY A SCRAP RECYCLING FACILITY IN  
24 ACCORDANCE WITH § 6-905.4 OF THIS SUBTITLE AS PARTIAL COMPENSATION FOR  
25 THE LABOR AND OTHER COSTS INCURRED BY A SCRAP RECYCLING FACILITY IN THE  
26 REMOVAL OF THE MERCURY SWITCH OR MERCURY SWITCH ASSEMBLY; AND

27 3. \$1 FOR EACH MERCURY SWITCH OR MERCURY SWITCH  
28 ASSEMBLY REMOVED BY A VEHICLE RECYCLER OR BY A SCRAP RECYCLING FACILITY  
29 IN ACCORDANCE WITH § 6-905.4 OF THIS SUBTITLE AS PARTIAL COMPENSATION FOR  
30 THE DEPARTMENT FOR COSTS INCURRED IN ADMINISTERING AND ENFORCING THE  
31 PROVISIONS OF THIS SUBTITLE;

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

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

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

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

4 (VIII) MAINTENANCE OF ALL APPROPRIATE RECORD-KEEPING  
5 SYSTEMS.

6 (D) (1) WITHIN 60 DAYS AFTER RECEIVING A MERCURY MINIMIZATION  
7 PLAN, THE DEPARTMENT SHALL APPROVE, DISAPPROVE, OR CONDITIONALLY  
8 APPROVE THE ENTIRE MERCURY MINIMIZATION PLAN.

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

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

15 (4) (I) IF THE ENTIRE MERCURY MINIMIZATION PLAN IS  
16 DISAPPROVED, THE DEPARTMENT SHALL INFORM THE VEHICLE MANUFACTURER OF  
17 THE REASONS FOR THE DISAPPROVAL.

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

20 (5) (I) THE DEPARTMENT MAY APPROVE THOSE PARTS OF A MERCURY  
21 MINIMIZATION PLAN THAT MEET THE REQUIREMENTS OF SUBSECTION (C) OF THIS  
22 SECTION AND DISAPPROVE ANY PARTS THAT DO NOT COMPLY WITH THE  
23 REQUIREMENTS.

24 (II) A MANUFACTURER SHALL:

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

27 2. SUBMIT A REVISED MERCURY MINIMIZATION PLAN FOR  
28 THE DISAPPROVED PARTS WITHIN 30 DAYS AFTER RECEIVING NOTIFICATION OF THE  
29 DISAPPROVAL FROM THE DEPARTMENT.

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

33 (6) (I) ON OR AFTER 120 DAYS FROM THE DATE THE DEPARTMENT  
34 RECEIVES A MERCURY MINIMIZATION PLAN, IF THE DEPARTMENT HAS NEITHER  
35 APPROVED NOR DISAPPROVED THE MERCURY MINIMIZATION PLAN IN ACCORDANCE  
36 WITH THIS SUBSECTION, THE MERCURY MINIMIZATION PLAN SHALL BE  
37 CONSIDERED CONDITIONALLY APPROVED.

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

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

7 (F) THE DEPARTMENT MAY REVIEW A MERCURY MINIMIZATION PLAN  
8 APPROVED IN ACCORDANCE WITH THIS SECTION AND RECOMMEND MODIFICATIONS  
9 IT CONSIDERS NECESSARY AT ANY TIME IF THE DEPARTMENT DETERMINES THAT  
10 THE APPROVED MERCURY MINIMIZATION PLAN IS DEFICIENT.

11 (G) THE DEPARTMENT MAY ADOPT REGULATIONS TO ADMINISTER THE  
12 PROVISIONS OF THIS SECTION.

13 6-905.4.

14 (A) THIS SECTION APPLIES TO ANY PERSON THAT HAS ANY PART OF THE  
15 IMPLEMENTATION OF A MERCURY MINIMIZATION PLAN IN ACCORDANCE WITH §  
16 6-905.3 OF THIS SUBTITLE.

17 (B) (1) UNLESS A MERCURY SWITCH OR MERCURY SWITCH ASSEMBLY IS  
18 INACCESSIBLE DUE TO SIGNIFICANT DAMAGE TO THE VEHICLE IN THE AREA  
19 SURROUNDING THE LOCATION OF THE MERCURY SWITCH, WITHIN 120 DAYS AFTER  
20 THE APPROVAL OR CONDITIONAL APPROVAL OF A MERCURY MINIMIZATION PLAN, A  
21 VEHICLE RECYCLER THAT SELLS, GIVES, OR OTHERWISE CONVEYS OWNERSHIP OF  
22 AN END-OF-LIFE VEHICLE TO A SCRAP RECYCLING FACILITY FOR RECYCLING SHALL  
23 REMOVE ALL MERCURY SWITCHES OR MERCURY SWITCH ASSEMBLIES IDENTIFIED  
24 IN THE APPROVED MERCURY MINIMIZATION PLAN FROM THE END-OF-LIFE VEHICLE  
25 BEFORE DELIVERY TO A SCRAP RECYCLING FACILITY.

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

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

31 (4) IF THE MERCURY SWITCH ASSEMBLY IS CORRODED OR DAMAGED AS  
32 TO MAKE REMOVAL OF THE MERCURY PELLET FROM THE MERCURY SWITCH  
33 ASSEMBLY IMPRACTICAL OR POSE A DANGER OF DAMAGE TO THE PELLET, THE  
34 ENTIRE MERCURY SWITCH ASSEMBLY SHALL BE REMOVED.

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

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

6     (D)     (1)     A VEHICLE RECYCLER OR SCRAP RECYCLING FACILITY THAT  
7 REMOVES A MERCURY SWITCH OR MERCURY SWITCH ASSEMBLY IN ACCORDANCE  
8 WITH THIS SECTION SHALL MAINTAIN RECORDS DOCUMENTING THE NUMBER OF  
9 MERCURY SWITCHES AND MERCURY SWITCH ASSEMBLIES COLLECTED, THE  
10 NUMBER OF END-OF-LIFE VEHICLES CONTAINING MERCURY SWITCHES, AND THE  
11 NUMBER OF END-OF-LIFE VEHICLES PROCESSED FOR RECYCLING.

12           (2)     THE RECORDS REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION  
13 SHALL BE MADE AVAILABLE FOR REVIEW BY THE DEPARTMENT ON THE REQUEST OF  
14 THE DEPARTMENT.

15     (E)     A PERSON MAY NOT FALSELY REPRESENT THAT MERCURY SWITCHES OR  
16 MERCURY SWITCH ASSEMBLIES HAVE BEEN REMOVED FROM AN END-OF-LIFE  
17 VEHICLE BEING SOLD, GIVEN, OR OTHERWISE CONVEYED FOR RECYCLING IF THAT  
18 PERSON HAS NOT REMOVED THE MERCURY SWITCHES OR MERCURY SWITCH  
19 ASSEMBLIES, OR ARRANGED WITH ANOTHER PERSON TO REMOVE THE MERCURY  
20 SWITCHES OR MERCURY SWITCH ASSEMBLIES.

21     (F)     ON REMOVAL, MERCURY SWITCHES AND MERCURY SWITCH ASSEMBLIES  
22 SHALL BE COLLECTED, STORED, TRANSPORTED, AND OTHERWISE HANDLED AS  
23 REQUIRED BY THE MERCURY MINIMIZATION PLAN APPROVED IN ACCORDANCE WITH  
24 § 6-905.3 OF THIS SUBTITLE AND WITH ANY PROVISIONS OR REGULATIONS  
25 CONCERNING WASTE IN ACCORDANCE WITH TITLE 9 OF THIS ARTICLE.

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

30           (2)     THE REPORT SHALL INCLUDE:

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

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

37           (III)   THE NUMBERS OF MERCURY SWITCHES AND MERCURY SWITCH  
38 ASSEMBLIES COLLECTED, END-OF-LIFE VEHICLES CONTAINING MERCURY  
39 SWITCHES, AND END-OF-LIFE VEHICLES PROCESSED FOR RECYCLING;



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

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

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

9 (I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ADMINISTER THE  
10 PROVISIONS OF THIS SECTION.

11 6-905.5.

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

14 (1) MAY ISSUE AN ORDER THAT:

15 (I) SPECIFIES THE PROVISION THAT ALLEGEDLY HAS BEEN  
16 VIOLATED;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (1) A TEMPORARY OR PERMANENT INJUNCTION; OR

18 (2) AN ASSESSMENT OF THE VIOLATOR FOR THE REASONABLE COSTS  
19 OF:

20 (I) ANY INSPECTION THAT LED TO THE ESTABLISHMENT OF THE  
21 VIOLATION; AND

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

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

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

30 (3) A PERSON THAT KNOWINGLY MAKES A FALSE STATEMENT,  
31 REPRESENTATION, OR CERTIFICATION IN ANY APPLICATION, RECORD, OR OTHER  
32 DOCUMENT FILED OR REQUIRED TO BE MAINTAINED UNDER THIS SUBTITLE OR  
33 THAT FALSIFIES, TAMPERS WITH, OR KNOWINGLY RENDERS INACCURATE ANY  
34 MONITORING DEVICE OR METHOD REQUIRED TO BE MAINTAINED IN ACCORDANCE  
35 WITH THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS  
36 SUBJECT TO A FINE NOT EXCEEDING \$10,000.

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