

# HOUSE BILL 141

N1

8lr1668

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By: **Charles County Delegation**

Introduced and read first time: January 18, 2008

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Charles County – Test Borings and Soil Tests – Entry on Private Land**

3 FOR the purpose of authorizing an agent, employee, or assistant of Charles County to  
4 enter on private land under certain circumstances to make certain tests, and  
5 seek certain information to determine the possibility of public use of the  
6 property; authorizing Charles County to apply to a certain law court for an  
7 order directing that Charles County’s agent, employee, or assistant be  
8 permitted to enter and remain on the land for certain purposes, subject to  
9 certain conditions; and generally relating to expanding the right of entry on  
10 private land to make test borings and soil tests to Charles County.

11 BY repealing and reenacting, with amendments,  
12 Article – Real Property  
13 Section 12–111(f)  
14 Annotated Code of Maryland  
15 (2003 Replacement Volume and 2007 Supplement)

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

18 **Article – Real Property**

19 12–111.

20 (f) In Anne Arundel County, **CHARLES COUNTY**, Montgomery County, or  
21 Baltimore City, an agent or employee, or one or more assistants of the jurisdiction,  
22 after real and bona fide effort to notify the occupant or the owner, if the land is  
23 unoccupied or if the occupant is not the owner, may enter on any private land to make  
24 test borings and soil tests and obtain information related to such tests for the purpose  
25 of determining the possibility of public use of the property. If an agent, employee, or  
26 assistant is refused permission to enter or remain on any private land for the purposes

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 set out in this subsection, Anne Arundel County, **CHARLES COUNTY**, Montgomery  
2 County, or Baltimore City may apply to a law court of the jurisdiction where the  
3 property or any part of it is located for an order directing that its agent, employee, or  
4 assistant be permitted to enter and remain on the land to the extent necessary to  
5 carry out the purposes authorized by this subsection. The court may require that the  
6 applying jurisdiction post a bond in an amount sufficient to reimburse any person for  
7 damages reasonably estimated to be caused by test borings, soil tests, and related  
8 activities. If any person enters on any private land under the authority of this section  
9 or of any court order passed pursuant to it and damages or destroys any land or  
10 personal property on it, the owner of the property has a cause of action for damages  
11 against the jurisdiction that authorized the entrance. Any person who knows of an  
12 order issued under this subsection and who obstructs any agent, employee, or  
13 assistant acting under the authority of the order may be punished for contempt of  
14 court.

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2008.