

# SENATE BILL 601

P5

EMERGENCY BILL

8lr0863

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By: **The President (By Request – Department of Legislative Services)**

Introduced and read first time: February 1, 2008

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Annual Corrective Bill**

3 FOR the purpose of correcting certain errors and omissions in certain articles of the  
4 Annotated Code and Public Local Laws and in certain uncodified laws;  
5 clarifying language; correcting certain obsolete references; reorganizing certain  
6 sections of the Annotated Code; validating and ratifying certain corrections  
7 made by the publishers of the Annotated Code; providing that this Act is not  
8 intended to affect any law other than to correct technical errors; providing for  
9 the correction of certain errors and obsolete provisions by the publishers of the  
10 Annotated Code; providing for the effect and construction of certain provisions  
11 of this Act; and making this Act an emergency measure.

12 BY repealing and reenacting, with amendments,  
13 Article 2B – Alcoholic Beverages  
14 Section 6–301(q)(6) and 8–404.1(b) and (c)  
15 Annotated Code of Maryland  
16 (2005 Replacement Volume and 2007 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article 28 – Maryland–National Capital Park and Planning Commission  
19 Section 2–112.2(g)(1)(ii)1.  
20 Annotated Code of Maryland  
21 (2003 Replacement Volume and 2007 Supplement)

22 BY repealing  
23 Article 41 – Governor – Executive and Administrative Departments  
24 Title designation “Title 6. Department of Human Resources”  
25 Annotated Code of Maryland  
26 (2003 Replacement Volume and 2007 Supplement)

27 BY repealing and reenacting, with amendments,

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.



- 1 Article 41 – Governor – Executive and Administrative Departments  
2 Section 13–510(h)(1)(i)  
3 Annotated Code of Maryland  
4 (2003 Replacement Volume and 2007 Supplement)
- 5 BY repealing and reenacting, with amendments,  
6 Article 49B – Human Relations Commission  
7 Section 11D(a)  
8 Annotated Code of Maryland  
9 (2003 Replacement Volume and 2007 Supplement)
- 10 BY repealing and reenacting, with amendments,  
11 Article – Agriculture  
12 Section 8–403(d)  
13 Annotated Code of Maryland  
14 (2007 Replacement Volume)
- 15 BY repealing and reenacting, with amendments,  
16 Article – Business Occupations and Professions  
17 Section 14–101  
18 Annotated Code of Maryland  
19 (2004 Replacement Volume and 2007 Supplement)
- 20 BY repealing and reenacting, with amendments,  
21 Article – Commercial Law  
22 Section 13–301(14)(xxi) and 23–101(e)(2)(iii), (iv), and (v)  
23 Annotated Code of Maryland  
24 (2005 Replacement Volume and 2007 Supplement)
- 25 BY repealing and reenacting, with amendments,  
26 Article – Courts and Judicial Proceedings  
27 Section 2–309(o)(4)(i) and (r)(8)(i)3., 3–8A–26, 5–401(b)(1)(iii)1.C., 5–603(b),  
28 7–302(a), and 10–408(g)(4) and (5)  
29 Annotated Code of Maryland  
30 (2006 Replacement Volume and 2007 Supplement)
- 31 BY repealing and reenacting, with amendments,  
32 Article – Criminal Law  
33 Section 7–104(i)  
34 Annotated Code of Maryland  
35 (2002 Volume and 2007 Supplement)
- 36 BY repealing and reenacting, with amendments,  
37 Article – Education  
38 Section 2–205(j)(1), 6–407(c)(5)(iii)1., and 6–504(d)(3)(ii)1.  
39 Annotated Code of Maryland  
40 (2006 Replacement Volume and 2007 Supplement)

- 1 BY repealing and reenacting, with amendments,  
2 Article – Education  
3 Section 7–428(a)(1)  
4 Annotated Code of Maryland  
5 (2006 Replacement Volume and 2007 Supplement)  
6 (As enacted by Chapter 478 of the Acts of the General Assembly of 2007)
- 7 BY repealing and reenacting, with amendments,  
8 Article – Election Law  
9 Section 2–207(e), 2–303(a)(1), and 13–305(e)  
10 Annotated Code of Maryland  
11 (2003 Volume and 2007 Supplement)
- 12 BY repealing and reenacting, with amendments,  
13 Article – Environment  
14 Section 4–215(d), 4–401(i)(1) and (k), 4–410(b), 4–412(a)(2), 5–101(h)(1),  
15 9–268, and 15–308  
16 Annotated Code of Maryland  
17 (2007 Replacement Volume and 2007 Supplement)
- 18 BY repealing and reenacting, with amendments,  
19 Article – Estates and Trusts  
20 Section 11–102(b)  
21 Annotated Code of Maryland  
22 (2001 Replacement Volume and 2007 Supplement)
- 23 BY repealing and reenacting, with amendments,  
24 Article – Family Law  
25 Section 5–401(c)(1)(i), 5–506(e), 5–539(b)(4) and (5), 5–539.1(g)(1) and (h),  
26 5–545(a)(2), 5–1306(1), 10–113(h), and 10–119(d)  
27 Annotated Code of Maryland  
28 (2006 Replacement Volume and 2007 Supplement)
- 29 BY repealing and reenacting, with amendments,  
30 Article – Health – General  
31 Section 2–206(c), 2–207(e)(2), 18–215(f)(1), and 19–134(e)(3)(ii)  
32 Annotated Code of Maryland  
33 (2005 Replacement Volume and 2007 Supplement)
- 34 BY repealing and reenacting, with amendments,  
35 Article – Health – General  
36 Section 17–104(e)  
37 Annotated Code of Maryland  
38 (2005 Replacement Volume and 2007 Supplement)  
39 (As enacted by Chapter 74 of the Acts of the General Assembly of 2007)
- 40 BY repealing and reenacting, with amendments,  
41 Article – Health – General

- 1 Section 18–207(b)(2) and (3)  
2 Annotated Code of Maryland  
3 (2005 Replacement Volume and 2007 Supplement)  
4 (As enacted by Chapters 212 and 213 of the Acts of the General Assembly of  
5 2007)
- 6 BY repealing and reenacting, with amendments,  
7 Article – Health Occupations  
8 Section 2–305(b)(3)(i), 7–205(a)(9), 7–601, and 15–206(b)(2)(ii)  
9 Annotated Code of Maryland  
10 (2005 Replacement Volume and 2007 Supplement)
- 11 BY repealing and reenacting, with amendments,  
12 Article – Health Occupations  
13 Section 2–310.1(b)(1)  
14 Annotated Code of Maryland  
15 (2005 Replacement Volume and 2007 Supplement)  
16 (As enacted by Chapter 391 of the Acts of the General Assembly of 2007)
- 17 BY repealing and reenacting, without amendments,  
18 Article – Health Occupations  
19 Section 7–101(a) and the title “Title 7. Morticians and Funeral Directors”;  
20 7–201 and the subtitle “Subtitle 2. State Board of Morticians and Funeral  
21 Directors”  
22 Annotated Code of Maryland  
23 (2005 Replacement Volume and 2007 Supplement)
- 24 BY repealing and reenacting, with amendments,  
25 Article – Health Occupations  
26 Section 8–202(b)(1)(iii)  
27 Annotated Code of Maryland  
28 (2005 Replacement Volume and 2007 Supplement)  
29 (As enacted by Chapter 544 of the Acts of the General Assembly of 2007)
- 30 BY repealing  
31 Article – Health Occupations  
32 Section 20–101(h)  
33 Annotated Code of Maryland  
34 (2005 Replacement Volume and 2007 Supplement)
- 35 BY repealing and reenacting, with amendments,  
36 Article – Insurance  
37 Section 14–115(d)(11)(iii)  
38 Annotated Code of Maryland  
39 (2006 Replacement Volume and 2007 Supplement)
- 40 BY repealing and reenacting, with amendments,  
41 Article – Insurance

- 1 Section 14–606(1)(iii) and 14–609(a)  
2 Annotated Code of Maryland  
3 (2006 Replacement Volume and 2007 Supplement)  
4 (As enacted by Chapter 629 of the Acts of the General Assembly of 2007)
- 5 BY repealing and reenacting, with amendments,  
6 Article – Labor and Employment  
7 Section 8–607(b)(1)(iv)  
8 Annotated Code of Maryland  
9 (1999 Replacement Volume and 2007 Supplement)  
10 (As enacted by Chapter 471 of the Acts of the General Assembly of 2007)
- 11 BY repealing and reenacting, with amendments,  
12 Article – Labor and Employment  
13 Section 9–234(r)  
14 Annotated Code of Maryland  
15 (1999 Replacement Volume and 2007 Supplement)
- 16 BY repealing and reenacting, with amendments,  
17 Article – Natural Resources  
18 Section 4–702(a)  
19 Annotated Code of Maryland  
20 (2005 Replacement Volume and 2007 Supplement)
- 21 BY repealing and reenacting, with amendments,  
22 Article – Natural Resources  
23 Section 10–301.1(c)(3)  
24 Annotated Code of Maryland  
25 (2007 Replacement Volume)
- 26 BY repealing and reenacting, with amendments,  
27 Article – Real Property  
28 Section 3–105(d)(3)(i), 11–136(a)(1) and (e), and 14–125.2(a)(3)(iii)  
29 Annotated Code of Maryland  
30 (2003 Replacement Volume and 2007 Supplement)
- 31 BY repealing and reenacting, with amendments,  
32 Article – Real Property  
33 Section 14–108.1(a)(3)  
34 Annotated Code of Maryland  
35 (2003 Replacement Volume and 2007 Supplement)  
36 (As enacted by Chapter 286 of the Acts of the General Assembly of 2007)
- 37 BY repealing and reenacting, with amendments,  
38 Article – State Finance and Procurement  
39 Section 7–315(f)(2)(iv), 18–102(a)(1), 18–103(c)(2), 19–107(a) and (d)(2)(ii), and  
40 19–110(a)  
41 Annotated Code of Maryland

- 1 (2006 Replacement Volume and 2007 Supplement)
- 2 BY repealing and reenacting, with amendments,  
3 Article – State Government  
4 Section 2–10A–03(b)(2)(i), 8–403(b), 9–802(h)(4), 15–704(c)(1), and 15–705(a)  
5 Annotated Code of Maryland  
6 (2004 Replacement Volume and 2007 Supplement)
- 7 BY repealing and reenacting, with amendments,  
8 Article – State Personnel and Pensions  
9 Section 34–101(i)  
10 Annotated Code of Maryland  
11 (2004 Replacement Volume and 2007 Supplement)  
12 (As enacted by Chapter 355 of the Acts of the General Assembly of 2007)
- 13 BY repealing and reenacting, with amendments,  
14 Article – State Personnel and Pensions  
15 Section 37–203.1(b)(3)(i)1.  
16 Annotated Code of Maryland  
17 (2004 Replacement Volume and 2007 Supplement)
- 18 BY repealing and reenacting, with amendments,  
19 Article – Tax – General  
20 Section 2–1103, 10–207(c–1)(1)(i), 10–704.3(g), 13–901(f)(1)(ii)3. through 5., and  
21 13–1001(f)  
22 Annotated Code of Maryland  
23 (2004 Replacement Volume and 2007 Supplement)
- 24 BY repealing and reenacting, with amendments,  
25 Article – Tax – General  
26 Section 10–211(b)(1)  
27 Annotated Code of Maryland  
28 (2004 Replacement Volume and 2007 Supplement)  
29 (As enacted by Chapter 3 of the Acts of the General Assembly of the 2007  
30 Special Session)
- 31 BY adding to  
32 Article – Tax – General  
33 Section 13–901(f)(1)(ii)6.  
34 Annotated Code of Maryland  
35 (2004 Replacement Volume and 2007 Supplement)
- 36 BY repealing and reenacting, with amendments,  
37 Article – Tax – Property  
38 Section 1–101(x)(3), 7–511(b)(1), and 14–1009(a)  
39 Annotated Code of Maryland  
40 (2007 Replacement Volume)

1 BY repealing and reenacting, with amendments,  
 2 Article – Tax – Property  
 3 Section 9–246(a)  
 4 Annotated Code of Maryland  
 5 (2007 Replacement Volume)  
 6 (As enacted by Chapters 558 and 559 of the Acts of the General Assembly of  
 7 2007)

8 BY repealing and reenacting, with amendments,  
 9 Article – Transportation  
 10 Section 4–312(a)(1), 7–1003(3)(ii), and 8–402(b)(4)  
 11 Annotated Code of Maryland  
 12 (2001 Replacement Volume and 2007 Supplement)

13 BY repealing and reenacting, with amendments,  
 14 Article – Transportation  
 15 Section 21–809(a)(4)(ii)3. and 23–202(b)(1)  
 16 Annotated Code of Maryland  
 17 (2006 Replacement Volume and 2007 Supplement)

18 BY repealing and reenacting, with amendments,  
 19 Chapter 636 of the Acts of the General Assembly of 2007  
 20 Section 2

21 BY repealing and reenacting, with amendments,  
 22 The Public Local Laws of Frederick County  
 23 Section 2–13–13(a)  
 24 Article 11 – Public Local Laws of Maryland  
 25 (2004 Edition and November 2007 Supplement, as amended)

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

28 **Article 2B – Alcoholic Beverages**

29 6–301.

30 (q) (6) (i) There is a fraternal/sororal/service license.

31 (ii) The annual license fee is \$1,000.

32 (iii) The license may be issued to any local unit of a lodge or  
 33 chapter of any bona fide nonprofit and nationwide fraternal, sororal, or service  
 34 organization that:

35 1. Is composed solely of members duly elected and  
 36 initiated in accordance with the rites and customs of that fraternal, sororal, or service  
 37 organization;

1                   2.     Is in existence and operating in Montgomery County  
2 prior to the time of making application for a license;

3                   3.     Has a bona fide membership of not less than 200  
4 persons and dues of not less than \$5 per year per person; **AND**

5                   4.     Owns and operates a clubhouse principally for the use  
6 of its members and their guests when accompanied by members and for no other  
7 purpose, and not directly or indirectly owned or operated as a public business[;].

8                   [5.](IV)     A licensee may keep for sale and sell at retail  
9 any alcoholic beverages to any member or guest when accompanied by a member[;].

10                   [6.] (V)     The licensee is subject to all of the provisions of  
11 this article relating to beer, wine and liquor licenses, Class C, in force in Montgomery  
12 County, except the provisions requiring the maintenance of a championship golf  
13 course[; and].

14                   [7.](VI)     This license solely authorizes the sale and  
15 consumption on premises only.

16           DRAFTER'S NOTE:

17           Error: Incorrect tabulation in Article 2B, § 6–301(q)(6).

18           Occurred: Ch. 5, Acts of 1993.

19   8–404.1.

20           (b)     The Board of License Commissioners may issue a Class BWT beer and  
21 light wine (on–premises) tasting license to the holder of a Class A beer and light wine  
22 [tasting] license.

23           (c)     The Board of License Commissioners may issue a Class BWLT beer,  
24 wine[,] and liquor (on–premises) tasting license to a holder of a Class A beer, wine[,]  
25 and liquor license.

26           DRAFTER'S NOTE:

27           Error: Extraneous word in Article 2B, § 8–404.1(b) and extraneous commas in  
28 (c).

29           Occurred: Ch. 561, Acts of 2007.

30           **Article 28 – Maryland–National Capital Park and Planning Commission**



1 2–112.2.

2 (g) (1) (ii) 1. If the [hearing officer] **ADMINISTRATIVE LAW**  
3 **JUDGE** finds that the Commission was arbitrary and capricious in soliciting or  
4 entering into a service contract that is subject to the requirements of this section, and  
5 the Commission employee has been adversely affected, the [hearing officer]  
6 **ADMINISTRATIVE LAW JUDGE** may award the employee actual damages for back pay  
7 and front pay for a combined period of up to 2 years beginning on the date the  
8 employee was first adversely affected, provided that the employee is obligated to  
9 mitigate the actual damages.

10 DRAFTER'S NOTE:

11 Error: Incorrect terminology in Article 28, § 2–112.2(g)(1)(ii)1.

12 Occurred: Ch. 427, Acts of 2007.

13 **Article 41 – Governor – Executive and Administrative Departments**

14 [Title 6.  
15 Department of Human Resources.]

16 DRAFTER'S NOTE:

17 Error: Obsolete title in Article 41.

18 Occurred: Ch. 3, Acts of 2007.

19 13–510.

20 (h) (1) (i) The Corporation may provide for the issuance of its bonds to  
21 [refunding] **REFUND** any outstanding bonds, including the payment of any  
22 redemption premium and any interest accrued or accruing to a later date of  
23 redemption, purchase, or maturity of the bonds, and, if the Corporation determines it  
24 advisable, for the additional purpose of paying all or any part of the cost of a project.

25 DRAFTER'S NOTE:

26 Error: Grammatical error in Article 41, § 13–510(h)(1)(i).

27 Occurred: Ch. 467, Acts of 2004.

28 **Article 49B – Human Relations Commission**

29 11D.

1 (a) In an action brought under this [section] **SUBTITLE**, the court, in its  
2 discretion, may award the prevailing party reasonable attorney's fees, expert witness  
3 fees, and costs.

4 **DRAFTER'S NOTE:**

5 Error: Erroneous internal reference in Article 49B, § 11D(a).

6 Occurred: Chs. 176 and 177, Acts of 2007.

7 **Article – Agriculture**

8 8–403.

9 (d) The application shall be accompanied by a statement of the Committee,  
10 which shall recite the fact that:

11 (1) A petition was filed;

12 (2) Notice was given;

13 (3) A referendum was held on the question of dividing or combining, or  
14 both, the named districts;

15 (4) The Committee determined that division or combination, or both,  
16 was administratively feasible;

17 (5) The division or combination, or both, of the property, [assets]  
18 **ASSETS**, and rights was decided upon and carried out in accordance with this subtitle;  
19 and

20 (6) The boundaries of the district **ARE** as described in the petition, or  
21 **AS** further defined by the Committee.

22 **DRAFTER'S NOTE:**

23 Error: Incorrect punctuation and grammatical error in § 8–403(d) of the  
24 Agriculture Article.

25 Occurred: Ch. 6, Acts of the First Special Session of 1973.

26 **Article – Business Occupations and Professions**

27 14–101.

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

1 (b) “Board” means the State Board for Professional Engineers.

2 (c) “Design coordination” means the review and coordination of services  
3 provided by individuals licensed or certified under Titles 3, 8, 9, 14, and 15 of this  
4 article.

5 (d) [(1)] “License” means, unless the context requires otherwise, a license  
6 issued by the Board to practice engineering.

7 [(2)] “License” includes, unless the context requires otherwise, a limited  
8 license.]

9 (e) “License fee” means, as applicable, the fee paid in connection with the  
10 issuance and renewal of a license and the issuance of a [limited license and] reciprocal  
11 license.

12 [(f)] “Limited license” means a license issued by the Board to practice  
13 engineering as limited by § 14–316 of this title.]

14 [(g)] (F) (1) “Practice engineering” means to provide any service or  
15 creative work the performance of which requires education, training, and experience in  
16 the application of:

17 (i) special knowledge of the mathematical, physical, and  
18 engineering sciences; and

19 (ii) the principles and methods of engineering analysis and  
20 design.

21 (2) In regard to a building or other structure, machine, equipment,  
22 process, works, system, project, or public or private utility, “practice engineering”  
23 includes:

24 (i) consultation;

25 (ii) design;

26 (iii) evaluation;

27 (iv) inspection of construction to ensure compliance with  
28 specifications and drawings;

29 (v) investigation;

30 (vi) planning; and

31 (vii) design coordination.

1 (3) "Practice engineering" does not include the exclusive and sole  
2 performance of nontechnical management activities.

3 [(h)] (G) "Professional engineer" means, unless the context requires  
4 otherwise, an engineer who is licensed by the Board to practice engineering.

5 [(i)] (H) (1) "Responsible charge" means direct control and personal  
6 supervision of engineering that requires initiative, professional skill, and independent  
7 judgment.

8 (2) "Responsible charge" includes responsible engineering teaching.

9 DRAFTER'S NOTE:

10 Error: Obsolete reference in § 14–101(e) and obsolete definition in § 14–101(f) of  
11 the Business Occupations and Professions Article.

12 Occurred: As a result of Ch. 403, Acts of 2007. The authority of the State Board  
13 for Professional Engineers to issue a limited license was repealed by Ch. 403 of the  
14 Acts of 2007.

## 15 Article – Commercial Law

16 13–301.

17 Unfair or deceptive trade practices include any:

18 (14) Violation of a provision of:

19 (xxi) Title 14, Subtitle [33] **34** of this article, the Social Security  
20 Number Privacy Act;

21 DRAFTER'S NOTE:

22 Error: Erroneous cross–reference in § 13–301(14)(xxi) of the Commercial Law  
23 Article.

24 Occurred: Ch. 521, Acts of 2005.

25 23–101.

26 (e) (2) "Retirement community" does not include:

27 (iii) A program licensed by the Department of [Mental Health  
28 and Hygiene] **HEALTH AND MENTAL HYGIENE** under Title 7 or Title 10 of the  
29 Health – General Article;

1 (iv) A freestanding hospice care program regulated by the  
 2 Department of [Mental Health and Hygiene] **HEALTH AND MENTAL HYGIENE**  
 3 under Title 19, Subtitle 9 of the Health – General Article;

4 (v) A freestanding day care center for the elderly regulated by  
 5 the Department of [Mental Health and Hygiene] **HEALTH AND MENTAL HYGIENE**  
 6 under Title 14, Subtitle 2 of the Health – General Article;

7 **DRAFTER’S NOTE:**

8 Error: Misnomer in § 23–101(e)(2)(iii), (iv), and (v) of the Commercial Law  
 9 Article.

10 Occurred: Ch. 292, Acts of 2004.

11 **Article – Courts and Judicial Proceedings**

12 2–309.

13 (o) (4) The primary duties of the Sheriff are the following:

14 (i) The security of the circuit court, and the performance of  
 15 such duties as may be required of [them] **THE SHERIFF** by that court;

16 (r) (8) (i) The Sheriff and the Sheriff’s deputies shall be limited in  
 17 their duties as law enforcement officers, as follows:

18 3. The security of all State and county courts and  
 19 [perform] **THE PERFORMANCE OF** such duties as may be required of them by the  
 20 courts;

21 **DRAFTER’S NOTE:**

22 Error: Incorrect word usage in § 2–309(o)(4)(i) and (r)(8)(i)3 of the Courts and  
 23 Judicial Proceedings Article.

24 Occurred: Ch. 426, Acts of 1985; Ch. 250, Acts of 1975.

25 3–8A–26.

26 Pursuant to the procedure provided in the Maryland Rules, the court may make  
 27 an appropriate order directing, restraining, or otherwise controlling the conduct of a  
 28 person who is properly before the court under this subtitle, if:

29 (1) The court finds that the conduct:

1 (i) Is or may be detrimental or harmful to a child over whom  
2 the court has jurisdiction; [or]

3 (ii) Will tend to defeat the execution of an order or disposition  
4 made or to be made; or

5 (iii) Will assist in the rehabilitation of or is necessary for the  
6 welfare of the child; and

7 (2) Notice of the application or motion and its grounds has been given  
8 as prescribed by the Maryland Rules.

9 DRAFTER'S NOTE:

10 Error: Extraneous conjunction in § 3-8A-26 of the Courts and Judicial  
11 Proceedings Article.

12 Occurred: Ch. 554, Acts of 1975.

13 5-401.

14 (b) (1) (iii) 1. "Motor carrier transportation contract" means a  
15 contract, agreement, or understanding concerning:

16 C. A service incidental to an activity described in item  
17 [(i)]A or [(ii)]B of this [paragraph] **SUBSUBPARAGRAPH**, including storage of  
18 property.

19 DRAFTER'S NOTE:

20 Error: Erroneous internal reference in § 5-401(b)(1)(iii)1C of the Courts and  
21 Judicial Proceedings Article.

22 Occurred: Ch. 83, Acts of 2007.

23 5-603.

24 (b) Subsection (a) of this section applies to the following:

25 (1) An individual who is licensed by this State to provide medical care;

26 (2) A member of any State, county, municipal, or volunteer fire  
27 department, ambulance and rescue squad [or], **OR** law enforcement agency [or of], the  
28 National Ski Patrol System, or a corporate fire department responding to a call outside  
29 of its corporate premises, if the member:

1 (i) Has completed an American Red Cross course in advanced  
2 first aid and has a current card showing that status;

3 (ii) Has completed an equivalent of an American Red Cross  
4 course in advanced first aid, as determined by the Secretary of Health and Mental  
5 Hygiene; or

6 (iii) Is certified or licensed by this State as an emergency  
7 medical services provider;

8 (3) A volunteer fire [department,] **DEPARTMENT OR** ambulance and  
9 rescue squad whose members have immunity; and

10 (4) A corporation when its fire department personnel are immune  
11 under paragraph (2) of this subsection.

12 DRAFTER'S NOTE:

13 Error: Omitted comma, extraneous words, and extraneous comma in §  
14 5-603(b)(2) and (3) of the Courts and Judicial Proceedings Article.

15 Occurred: Ch. 770, Acts of 1982.

16 7-302.

17 (a) Except as provided in subsections (b) through [(e)] **(F)** of this section, the  
18 clerks of the District Court shall:

19 (1) Collect costs, fines, forfeitures, or penalties imposed by the court;  
20 and

21 (2) Remit them to the State under a system agreed upon by the Chief  
22 Judge of the District Court and the Comptroller.

23 DRAFTER'S NOTE:

24 Error: Erroneous internal reference in § 7-302(a) of the Courts and Judicial  
25 Proceedings Article.

26 Occurred: As a result of Chs. 13 and 16, Acts of 2006.

27 10-408.

28 (g) (4) Within a reasonable [time] **TIME**, but not later than 90 days after  
29 the termination of the period of an order or [extensions thereof] **EXTENSION OF AN**  
30 **ORDER**, the issuing judge shall cause to be [served,] **SERVED** on the persons named in  
31 the order, and **ON** the other parties to intercepted communications as the judge may

1 determine in [his] **THE JUDGE'S** discretion [that] is in the interest of justice, an  
2 inventory which shall include notice of:

3 (i) The fact of the entry of the order;

4 (ii) The date of the entry and the period of authorized  
5 interception; and

6 (iii) The fact that during the period wire, oral, or electronic  
7 communications were or were not intercepted.

8 **(5)** The judge, upon the filing of a motion, shall make available to the  
9 person or [his] **THE PERSON'S** counsel for inspection portions of the intercepted  
10 communications, [applications] **APPLICATIONS**, and orders pertaining to that person  
11 and the alleged crime.

12 ~~[(5)]~~**(6)** On an ex parte showing of good cause to the judge, the  
13 serving of the inventory required by this subsection may be postponed. The periods of  
14 postponement may not be longer than the authorizing judge deems necessary to  
15 achieve the purposes for which they were granted and in no event for longer than 30  
16 days. No more than three periods of postponement may be granted. Any order issued  
17 extending the time in which the inventory notice is to be served must be under seal of  
18 the court and treated in the same manner as the order authorizing interception.

19 **DRAFTER'S NOTE:**

20 Error: Stylistic, punctuation, and grammatical errors in § 10-408(g)(4) and (5)  
21 of the Courts and Judicial Proceedings Article.

22 Occurred: Ch. 692, Acts of 1977.

## 23 **Article – Criminal Law**

24 7-104.

25 (i) An action or prosecution for a violation of [paragraph (2) or (3) of this]  
26 subsection **(G)(2) OR (3) OF THIS SECTION** shall be commenced within 2 years after  
27 the commission of the crime.

28 **DRAFTER'S NOTE:**

29 Error: Erroneous internal reference in § 7-104(i) of the Criminal Law Article.

30 Occurred: Ch. 130, Acts of 2004.

## 31 **Article – Education**



1 2–205.

2 (j) (1) The State Board shall send the Governor an annual State public  
3 school budget including, subject to the [State] **MARYLAND** Constitution and existing  
4 laws, the appropriation for:

5 (i) The Department; and

6 (ii) State aid to the counties for current expenses, for student  
7 transportation and for the construction of school buildings.

8 DRAFTER'S NOTE:

9 Error: Stylistic error in § 2–205(j)(1) of the Education Article.

10 Occurred: Ch. 22, § 2, Acts of 1978.

11 6–407.

12 (c) (5) (iii) 1. Subject to the provisions of [sub–subparagraph]  
13 **SUBSUBPARAGRAPH 2** of this subparagraph, the employee organization designated  
14 as the exclusive representative for the public school employees shall indemnify and  
15 hold harmless the Board of Education of Baltimore County against any and all claims,  
16 demands, suits, or any other forms of liability that may arise out of, or by reason of,  
17 action taken by the Board for the purpose of complying with any of the agency or  
18 representation fee provisions of the negotiated agreement.

19 DRAFTER'S NOTE:

20 Error: Extraneous hyphen in § 6–407(c)(5)(iii)1 of the Education Article.

21 Occurred: Ch. 706, Acts of 1997.

22 6–504.

23 (d) (3) (ii) 1. Subject to the provisions of [sub–subparagraph]  
24 **SUBSUBPARAGRAPH 2** of this subparagraph, the employee organization designated  
25 as the exclusive representative for the public school employees shall indemnify and  
26 hold harmless the Board of Education of Baltimore County against any and all claims,  
27 demands, suits, or any other forms of liability that may arise out of, or by reason of,  
28 action taken by the Board for the purpose of complying with any of the agency or  
29 representation fee provisions of the negotiated agreement.

30 DRAFTER'S NOTE:

31 Error: Extraneous hyphen in § 6–504(d)(3)(ii)1 of the Education Article.

1 Occurred: Ch. 543, Acts of 1994.

2 7–428.

3 (a) [(1)] The Department, in collaboration with the Department of Health  
4 and Mental Hygiene, shall provide awareness and training for Directors of Student  
5 Services in local education agencies on inhalant abuse.

6 DRAFTER’S NOTE:

7 Error: Stylistic error in § 7–428(a) of the Education Article.

8 Occurred: Ch. 478, Acts of 2007. Correction by the publisher of the Annotated  
9 Code in the 2007 Supplement of the Education Article is ratified by this Act.

10 **Article – Election Law**

11 2–207.

12 (e) An employee of a local board is subject to the restrictions and  
13 requirements of § 2–301 of this [article] **TITLE**.

14 DRAFTER’S NOTE:

15 Error: Stylistic error in § 2–207(e) of the Election Law Article.

16 Occurred: Ch. 291, Acts of 2002.

17 2–303.

18 (a) (1) Subject to paragraph (2) of this [section] **SUBSECTION**, as it deems  
19 it expedient for the convenience of voters, a local board may:

20 (i) create and alter the boundaries for precincts in the county;

21 (ii) designate the location for polling places in any election  
22 district, ward, or precinct in the county; and

23 (iii) combine or abolish precincts.

24 DRAFTER’S NOTE:

25 Error: Stylistic error in § 2–303(a)(1) of the Election Law Article.

26 Occurred: Ch. 61, Acts of 2006.

27 13–305.

1 (e) A violation of [subsections] **SUBSECTION** (b) or (d) of this section  
2 constitutes a failure to file by the campaign finance entity, and the responsible officers  
3 are guilty of a misdemeanor and on conviction are subject to the penalties prescribed  
4 under Part VII of this [title] **SUBTITLE**.

5 **DRAFTER'S NOTE:**

6 Error: Stylistic errors in § 13–305(e) of the Election Law Article.

7 Occurred: Ch. 449, Acts of 2007; Ch. 291, Acts of 2002 (Incorrect use of “title”  
8 was originally enacted in § 13–305(a)(3) of the Election Law Article as enacted by Ch.  
9 291, Acts of 2002, and was reenacted in subsequent Acts. See Ch. 510, Acts of 2006  
10 and Ch. 449, Acts of 2007.).

### 11 **Article – Environment**

12 4–215.

13 (d) For purposes of a civil action brought under subsection (c) **OF THIS**  
14 **SECTION**, each day during which a violation continues constitutes a separate offense.

15 **DRAFTER'S NOTE:**

16 Error: Stylistic error in § 4–215(d) of the Environment Article.

17 Occurred: Ch. 682, Acts of 1982.

18 4–401.

19 (i) (1) “Oil storage facility” means any installation, structure or premises,  
20 [above ground] **ABOVEGROUND** or underground, in which oil is stored.

21 (k) “Removal costs” means the costs of removal that are incurred after a  
22 discharge of oil has [occurred, or] **OCCURRED OR**, in any case where there is a  
23 substantial threat of a discharge of oil, the costs to prevent, minimize, or mitigate oil  
24 pollution from such an incident.

25 **DRAFTER'S NOTE:**

26 Error: Stylistic error; misplaced punctuation in § 4–401(i)(1) and (k) of the  
27 Environment Article.

28 Occurred: Ch. 808, Acts of 1989; Ch. 459, Acts of 1992.

29 4–410.

1 (b) Notwithstanding any provision of this subtitle, any person discharging or  
2 permitting the discharge of oil, or who either actively or passively participates in the  
3 discharge or spilling of oil either from a land-based installation, including  
4 aboveground or underground storage tanks and vehicles in transit, or from any vessel,  
5 barge, ship, or boat of any kind, shall report the incident immediately to the  
6 Department [of the Environment]. [He] **THE PERSON** shall remain available until  
7 clearance to leave is given by the appropriate officials designated by the Department.

8 DRAFTER'S NOTE:

9 Error: Stylistic errors in § 4-410(b) of the Environment Article.

10 Occurred: Ch. 306, Acts of 1987; Ch. 4, Acts of the First Special Session of 1973.

11 4-412.

12 (a) (2) If the Department exercises the option provided by paragraph  
13 (1)(ii) of this subsection, the alleged violator may request in writing a hearing before  
14 the Department not later than ten days after the date that notice of the requirement of  
15 the written report is served. The appearance of the alleged violator before the  
16 Department under the options provided by paragraph (1)(iii) or [(1)](iv) of this  
17 subsection constitutes an administrative hearing, and the party has the right of any  
18 party in a contested case provided in §§ 10-205, 10-208, and 10-209 of the State  
19 Government Article. If the Department exercises the option provided by [paragraphs]  
20 **PARAGRAPH** (1)(ii), [(1)](iii), or [(1)](iv) of this subsection, it may not issue an order  
21 requiring corrective action to be taken as a result of the alleged violation before  
22 expiration of the time set for filing any report and holding any hearing required under  
23 these paragraphs. Thereafter, the Department may issue an order requiring necessary  
24 corrective action be taken within the time prescribed in the order. A person is not  
25 entitled to a hearing before the Department as a result of this order. Notice of a  
26 hearing or of a requirement that a written report be filed shall be served on the  
27 alleged violator in accordance with the provisions of subsection (c) of this section not  
28 less than ten days before the time set for the hearing or filing of a report. Every order  
29 the Department issues under the provisions of this section shall be served on the  
30 person affected in accordance with the provisions of subsection (c) of this section. The  
31 order shall become effective immediately according to its terms upon service.

32 DRAFTER'S NOTE:

33 Error: Stylistic errors in § 4-412(a)(2) of the Environment Article.

34 Occurred: As a result of an improper correction made by the publisher of the  
35 Annotated Code under the authority of Ch. 45, § 6, Acts of 2006 during preparation of  
36 the 2007 Replacement Volume of the Environment Article.

37 5-101.

1 (h) (1) "Pollution" means every contamination or other alteration of the  
2 physical, chemical, or biological [properties,] **PROPERTIES** of any waters of the State.

3 DRAFTER'S NOTE:

4 Error: Extraneous comma in § 5-101(h)(1) of the Environment Article.

5 Occurred: Ch. 488, Acts of 1995.

6 9-268.

7 Except for violations of Part III of this subtitle and violations enforced under §§  
8 9-229(b), 9-267, and 9-268.1 of this subtitle, the provisions of §§ 9-334 through 9-344  
9 [of Subtitle 3] of this title shall be used and shall apply to enforce violations of:

10 (1) This subtitle;

11 (2) Any regulation adopted under this subtitle; or

12 (3) Any order or permit issued under this subtitle.

13 DRAFTER'S NOTE:

14 Error: Stylistic error in § 9-268 of the Environment Article.

15 Occurred: Ch. 412, Acts of 1988.

16 15-308.

17 Upon payment to the State of a certificate fee of \$1, each successful applicant  
18 shall be entitled to a certificate signed by the examining authority. The certificate  
19 shall state the name, age, and residence of the person certified, the position for which  
20 [he] **THE PERSON** qualified, and [his] **THE PERSON'S** experience. A photograph  
21 furnished by the certificate holder shall be mounted on the certificate across which  
22 shall be impressed the seal and signature of the examining authority. A certificate  
23 may not be transferred. If the certificate is lost or destroyed, the examining authority,  
24 when satisfied of the loss or destruction, shall supply the certificate holder with a copy  
25 of it, on payment to the State of a [50¢] fee **OF 50 CENTS**.

26 DRAFTER'S NOTE:

27 Error: Stylistic errors in § 15-308 of the Environment Article.

28 Occurred: Ch. 4, Acts of the First Special Session of 1973.

29

## Article - Estates and Trusts

1 11-102.

2 (b) Subject to §§ 4-409 OF THIS ARTICLE and 11-103 OF THIS SUBTITLE,  
3 the common-law rule against perpetuities as now recognized in the State is preserved,  
4 but the rule does not apply to the following:

5 (1) A legacy or inter vivos conveyance having a value of \$5,000 or less,  
6 or of any burial lot of any value, in trust or otherwise, for the purpose of providing for  
7 the perpetual care or keeping in good order and condition, or making repairs to, any  
8 lot, vault, mausoleum, or other place of sepulture belonging to any individual or  
9 several individuals in any cemetery or graveyard, the lots in which are intended for  
10 the burial of members of the family, family connections, relatives, or friends of the  
11 owners, or their successors in ownership;

12 (2) A legacy or inter vivos conveyance intended to transfer assets from  
13 any corporation incorporated for charitable objects, to any other charitable corporation  
14 on a contingency or future event;

15 (3) A trust created by an employer as part of a pension, stock bonus,  
16 disability, death benefit, profit-sharing, retirement, welfare, or other plan for the  
17 exclusive benefit of some or all of the employees of the employer or their beneficiaries,  
18 to which contributions are made by the employer or employees, or both the employer  
19 and employees, for the purpose of making distributions to or for the benefit of  
20 employees or their beneficiaries out of the income or principal or both the income and  
21 principal of the trust, or for any other purposes set out in the plan;

22 (4) A trust for charitable purposes, which shall include all purposes as  
23 are within the spirit or letter of the statute of 43 Elizabeth Ch. 4 (1601), commonly  
24 known as the statute of charitable uses;

25 (5) A trust in which the governing instrument states that the rule  
26 against perpetuities does not apply to the trust and under which the trustee, or other  
27 person to whom the power is properly granted or delegated, has the power under the  
28 governing instrument, applicable statute, or common law to sell, lease, or mortgage  
29 property for any period of time beyond the period that is required for an interest  
30 created under the governing instrument to vest, so as to be good under the rule  
31 against perpetuities;

32 (6) An option of a tenant to renew a lease;

33 (7) An option of a tenant to purchase all or part of the premises leased  
34 by the tenant;

35 (8) An option of a usufructuary to extend the scope of an easement or  
36 profit;

1           (9) The right of a county, a municipality, a person from whom land is  
 2 acquired, or the successor-in-interest of a person from whom land is acquired, to  
 3 acquire land from the State in accordance with § 8-309 of the Transportation Article;

4           (10) A right or privilege, including an option, warrant, pre-emptive  
 5 right, right of first refusal, right of first option, right of first negotiation, call right,  
 6 exchange right, or conversion right, to acquire an interest in a domestic or foreign joint  
 7 venture, partnership, limited liability partnership, limited partnership, limited  
 8 liability limited partnership, corporation, cooperative, limited liability company,  
 9 business trust, or similar enterprise, whether the interest is characterized as a joint  
 10 venture interest, partnership interest, limited partnership interest, membership  
 11 interest, security, stock, or otherwise; or

12           (11) A nondonative property interest as described in § 11-102.1 of this  
 13 subtitle.

14           DRAFTER'S NOTE:

15           Error: Stylistic errors in § 11-102(b) of the Estates and Trusts Article.

16           Occurred: Ch. 11, Acts of 1974.

17   **Article - Family Law**

18           5-401.

19           (c) "Eligible child" means a minor as to whom:

20                       (1) (i) guardianship has been awarded to a child placement agency  
 21 under Subtitle 3 **OR SUBTITLE 3A** of this title; or

22           DRAFTER'S NOTE:

23           Error: Omitted cross-reference in § 5-401(c)(1)(i) of the Family Law Article.

24           Occurred: Ch. 464, Acts of 2005.

25           5-506.

26           (e) [As provided in Article 49D, § 12 of the Code, the] **THE** Department shall  
 27 cooperate in planning and determining the cost of developing and implementing a  
 28 system of evaluating the success of services to children in out-of-home placement.

29           DRAFTER'S NOTE:

30           Error: Obsolete internal reference in § 5-506(e) of the Family Law Article.

1 Occurred: As a result of Ch. 3, Acts of 2007.

2 5-539.

3 (b) The State Board shall:

4 (4) make recommendations to the Secretary **OF HUMAN RESOURCES**  
5 and the General Assembly regarding:

6 (i) the response of the State to child abuse and neglect; and

7 (ii) out-of-home care policies, procedures, and practices; and

8 (5) subject to § 2-1246 of the State Government Article, report to the  
9 General Assembly and the Secretary **OF HUMAN RESOURCES** on the first day of each  
10 year on the status of children in out-of-home placement in this State.

11 DRAFTER'S NOTE:

12 Error: Incorrect word usage in § 5-539(b)(4) and (5) of the Family Law Article.

13 Occurred: Ch. 153, Acts of 2007.

14 5-539.1.

15 (g) (1) The State Board shall submit, subject to § 2-1246 of the State  
16 Government Article, to the General Assembly and the Secretary **OF HUMAN**  
17 **RESOURCES** on or before January 1 of each year and prepare and make available to  
18 the public a report containing a summary of its activities, findings, and  
19 recommendations under this section.

20 (h) Within 120 days after receiving the report from the State Board under §  
21 5-539 of this subtitle or the report under subsection (g) of this section, the Secretary  
22 **OF HUMAN RESOURCES** shall send a written response to the State Board describing  
23 the actions to be taken by the Department in response to the recommendations of the  
24 State Board.

25 DRAFTER'S NOTE:

26 Error: Incorrect word usage in § 5-539.1(g)(1) and (h) of the Family Law Article.

27 Occurred: Ch. 153, Acts of 2007.

28 5-545.

29 (a) (2) The regulations adopted by the State Board and the Secretary **OF**  
30 **HUMAN RESOURCES** shall require:



1 (i) at least one review within the first 12 months after a child  
2 enters out-of-home placement; and

3 (ii) subsequent reviews when the court, the local department, an  
4 interested person, or the local board raises a concern that the local board may address  
5 through the findings and recommendations required under subsection (c) of this  
6 section.

7 DRAFTER'S NOTE:

8 Error: Incorrect word usage in § 5-545(a)(2) of the Family Law Article.

9 Occurred: Ch. 153, Acts of 2007.

10 5-1306.

11 The effectiveness of efforts to address the health, mental health, education, and  
12 well-being of a child committed to the Department shall be measured by:

13 (1) the percentage of children in out-of-home placements who  
14 received a comprehensive assessment in compliance with federal regulations for the  
15 early and [periodic,] **PERIODIC** screening, diagnosis, and treatment program within  
16 60 days of entering out-of-home placement;

17 DRAFTER'S NOTE:

18 Error: Extraneous comma in § 5-1306(1) of the Family Law Article.

19 Occurred: Chs. 31 and 475, Acts of 2006.

20 10-113.

21 (h) The **STATE** Comptroller shall honor refund interception requests in the  
22 following order:

23 (1) a refund interception request to collect an unpaid State, county, or  
24 municipal tax;

25 (2) a refund interception request under this Part II of this subtitle for  
26 arrears of support payments;

27 (3) a refund interception request for converted funds under § 15-122.2  
28 of the Health - General Article; and

29 (4) any other refund interception request.

1 DRAFTER'S NOTE:

2 Error: Omitted word in § 10–113(h) of the Family Law Article.

3 Occurred: Ch. 296, Acts of 1984.

4 10–119.

5 (d) [If] **IF**, after information about an obligor is supplied to the Motor  
6 Vehicle [Administration] **ADMINISTRATION**, the obligor's arrearage is paid in full,  
7 the obligor has demonstrated good faith by paying the ordered amount of support for 6  
8 consecutive months, or the Administration finds that one of the grounds under  
9 [paragraph (1)(i) of this] subsection **(C)(1)(I) OF THIS SECTION** exists, the  
10 Administration shall notify the Motor Vehicle Administration to reinstate the obligor's  
11 license or privilege to drive.

12 DRAFTER'S NOTE:

13 Error: Incorrect punctuation and erroneous internal reference in § 10–119(d) of  
14 the Family Law Article.

15 Occurred: Ch. 491, Acts of 1995; Ch. 509, Acts of 2004.

## 16 **Article – Health – General**

17 2–206.

18 (c) Except as expressly provided otherwise, the Board shall hear and  
19 determine any appeal from:

20 (1) A decision of the Secretary or any unit in the Department in a  
21 contested case that is subject to judicial review under [§ 10–215] **§ 10–222** of the  
22 State Government Article;

23 (2) A decision of the Secretary or any unit in the Department that is  
24 subject to judicial review under any provision of law other than §§ 10–125[, 10–128]  
25 and [10–215] **10–222** of the State Government Article; and

26 (3) An action of or inaction by any unit in the Department for which  
27 the Secretary, by rule or regulation, provides for review by the Board.

28 DRAFTER'S NOTE:

29 Error: Erroneous cross-reference in § 2–206(c)(1) and (2) of the Health –  
30 General Article.

31 Occurred: As a result of Ch. 5, § 4, Acts of 1986.

1 2–207.

2 (e) (2) Subject to [§ 10–212] § **10–222** of the State Government Article,  
3 any party aggrieved by a decision in a contested case for which an appeal is provided  
4 to the Board may appeal directly to the Board.

5 DRAFTER’S NOTE:

6 Error: Erroneous cross–reference in § 2–207(e)(2) of the Health – General  
7 Article.

8 Occurred: As a result of Ch. 5, § 4, Acts of 1986.

9 17–104.

10 (e) For purposes of workers’ compensation law or any other employment  
11 benefit that would apply to an individual who is performing a service for a public  
12 health laboratory under a mutual aid agreement:

13 [(i)] (1) The individual is considered to have performed that service  
14 in the course of employment as a State employee and in the line of duty; and

15 [(ii)] (2) The workers’ compensation law or employment benefit of the  
16 state that employs the individual shall be provided by that state when an individual is  
17 performing a service in another state.

18 DRAFTER’S NOTE:

19 Error: Stylistic errors in § 17–104(e) of the Health – General Article.

20 Occurred: Ch. 74, Acts of 2007. Correction by the publisher of the Annotated  
21 Code in the 2007 Supplement of the Health – General Article is ratified by this Act.

22 18–207.

23 (b) (2) A report or information assembled or obtained under this section:

24 (i) Is confidential and subject to Title 4, Subtitle 1 of this  
25 article; and

26 (ii) Is not a medical record under Title 4, Subtitle 3 of this  
27 article, but is subject to the confidentiality requirements of Title 4, Subtitle 1 of this  
28 article.

29 [(iii)] (3) This subsection does not apply to a disclosure by the  
30 Secretary to another governmental agency performing its lawful duties pursuant to

1 State or federal law where the Secretary determines that the agency to [whom]  
2 **WHICH** the information is disclosed will maintain the confidentiality of the disclosure.

3 ~~[(3)]~~ (4) The report and any proceedings, records, or files relating to  
4 the reports required under this section are not discoverable and are not admissible in  
5 evidence in any civil action.

6 DRAFTER'S NOTE:

7 Error: Tabulation and grammatical errors in § 18–207(b)(2) of the Health –  
8 General Article.

9 Occurred: Chs. 212 and 213, Acts of 2007. Correction by the publisher of the  
10 Annotated Code in the 2007 Supplement of the Health – General Article is ratified by  
11 this Act. Grammatical error occurred in Ch. 79, Acts of 2001.

12 18–215.

13 (f) (1) A health care provider or any other person, including an officer or  
14 employee of a governmental unit, who knowingly and willfully requests or obtains  
15 information on HIV and AIDS developed under § 18–201.1, § 18–202.1, § 18–205, or §  
16 18–207 of this subtitle under false pretenses or through [deception] **DECEPTION**, on  
17 conviction[,] is subject to:

18 (i) A fine not exceeding \$100,000, imprisonment for not more  
19 than 5 years, or both; and

20 (ii) If the offense is committed with intent to sell, transfer, or  
21 use individually identifiable health information for commercial advantage, personal  
22 gain, or malicious harm, a fine not exceeding \$250,000, imprisonment for not more  
23 than 10 years, or both.

24 DRAFTER'S NOTE:

25 Error: Extraneous comma in § 18–215(f)(1) of the Health – General Article.

26 Occurred: Chs. 212 and 213, Acts of 2007.

27 19–134.

28 (e) (3) (ii) On [on] **OR** before October 1, 2007, to the extent feasible,  
29 the system shall incorporate racial and ethnic variations.

30 DRAFTER'S NOTE:

31 Error: Incorrect word usage in § 19–134(e)(3)(ii) of the Health – General Article.

1 Occurred: Ch. 450, Acts of 2006.

2 **Article - Health Occupations**

3 2-305.

4 (b) The Board may waive any of the qualifications required for a license to  
5 practice speech-language pathology or to assist in the practice of speech-language  
6 pathology under this title for an individual who:

7 (3) (i) Holds or has held a national certification in  
8 speech-language pathology or as an assistant of [speech language]  
9 **SPEECH-LANGUAGE** pathology from an organization if the organization is recognized  
10 by the Board and the qualifications for certification meet the practice requirements  
11 established by the regulations adopted by the Board; or

12 **DRAFTER'S NOTE:**

13 Error: Omitted hyphen in § 2-305(b)(3)(i) of the Health Occupations Article.

14 Occurred: Ch. 391, Acts of 2007.

15 2-310.1.

16 (b) The Board may issue a limited license to practice hearing aid dispensing  
17 only to an individual who:

18 (1) Except for completing the requirements under § 2-302.1(c) **OF**  
19 **THIS SUBTITLE**, otherwise qualifies for a license;

20 **DRAFTER'S NOTE:**

21 Error: Stylistic error in § 2-310.1(b)(1) of the Health Occupations Article.

22 Occurred: Ch. 391, Acts of 2007. Correction by the publisher of the Annotated  
23 Code in the 2007 Supplement of the Health Occupations Article is ratified by this Act.

24 Title 7.  
25 Morticians and Funeral Directors.

26 7-101.

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

28 **DRAFTER'S NOTE:**

1 Error: Obsolete title designation immediately preceding § 7–101 of the Health  
2 Occupations Article.

3 Occurred: As a result of Chs. 185 and 186, Acts of 2007. Correction by the  
4 publisher of the Annotated Code in the 2007 Supplement of the Health Occupations  
5 Article is validated by this Act.

6 Subtitle 2. State Board of Morticians and Funeral Directors.  
7 7–201.

8 There is a State Board of Morticians and Funeral Directors in the Department.

9 DRAFTER’S NOTE:

10 Error: Obsolete subtitle designation immediately preceding § 7–201 of the  
11 Health Occupations Article.

12 Occurred: As a result of Chs. 185 and 186, Acts of 2007. Correction by the  
13 publisher of the Annotated Code in the 2007 Supplement of the Health Occupations  
14 Article is validated by this Act.

15 7–205.

16 (a) In addition to the powers and duties set forth elsewhere in this title, the  
17 Board has the following powers and duties:

18 (9) On receipt of a written and signed complaint, including a referral  
19 from the Commissioner of Labor and Industry, **TO** conduct an unannounced inspection  
20 of the funeral establishment to determine compliance at that funeral establishment  
21 with the Centers for Disease Control’s guidelines on universal precautions;

22 DRAFTER’S NOTE:

23 Error: Grammatical error in § 7–205(a)(9) of the Health Occupations Article.

24 Occurred: Ch. 154, Acts of 1992.

25 7–601.

26 This title may be cited as the “Maryland Morticians **AND FUNERAL**  
27 **DIRECTORS Act**”.

28 DRAFTER’S NOTE:

29 Error: Misnomer in § 7–601 of the Health Occupations Article.

1 Occurred: As a result of Chs. 185 and 186, Acts of 2007.

2 8–202.

3 (b) (1) (iii) The organizations developing and submitting the list of  
4 nominees for registered nurse members certified in an advanced practice nursing  
5 specialty in subparagraph (i) of this paragraph, shall only submit the names of nurses  
6 certified in one of the following specialties for each vacancy each term and shall rotate  
7 among the specialties with each nomination for a vacancy:

- 8 1. Nurse anesthetist;
- 9 2. Nurse practitioner;
- 10 3. Nurse midwife; **AND**
- 11 4. Nurse psychotherapist.

12 DRAFTER’S NOTE:

13 Error: Omitted conjunction in § 8–202(b)(1)(iii) of the Health Occupations  
14 Article.

15 Occurred: Ch. 544, Acts of 2007. Correction by the publisher of the Annotated  
16 Code in the 2007 Supplement of the Health Occupations Article is ratified by this Act.

17 15–206.

18 (b) (2) (ii) For fiscal 2008, if the Governor does not include in the State  
19 budget the funds specified under subparagraph (i) of this paragraph, the Comptroller  
20 shall distribute 14 percent of the fees received from the Board to the Office of Student  
21 Financial Assistance to be used as provided under [paragraph (i)] **SUBPARAGRAPH**  
22 **(I)** of this paragraph.

23 DRAFTER’S NOTE:

24 Error: Erroneous cross-reference in § 15–206(b)(2)(ii) of the Health Occupations  
25 Article.

26 Occurred: Ch. 539, Acts of 2007.

27 20–101.

28 [(h) “Subcabinet” means the Subcabinet for Children, Youth, and Families  
29 established under Article 49D, § 4.1 of the Code.]

30 DRAFTER’S NOTE:

1 Error: Obsolete definition in § 20–101(h) of the Health Occupations Article.

2 Occurred: As a result of Ch. 282, Acts of 2005.

3 **Article – Insurance**

4 14–115.

5 (d) (11) (iii) A decision by the board to convert to a [for profit]  
6 **FOR-PROFIT** entity under Title 6.5 of the State Government Article may be rejected  
7 by any three members of the board.

8 DRAFTER’S NOTE:

9 Error: Omitted hyphen in § 14–115(d)(11)(iii) of the Insurance Article.

10 Occurred: Chs. 356 and 357, Acts of 2003.

11 14–606.

12 A discount medical plan organization and a discount drug plan organization  
13 may not:

14 (1) use in their advertisements, marketing material, brochures, and  
15 discount cards the term “insurance” except:

16 (iii) as otherwise provided in this [subtitle.] **SUBTITLE;**

17 DRAFTER’S NOTE:

18 Error: Incorrect punctuation in § 14–606(1)(iii) of the Insurance Article.

19 Occurred: Ch. 629, Acts of 2007. Correction by the publisher of the Annotated  
20 Code in the 2007 Supplement of the Insurance Article is ratified by this Act.

21 14–609.

22 (a) Each discount medical plan organization and each discount drug **PLAN**  
23 organization shall provide to a plan member or to a plan member for the member’s  
24 family a discount card that includes, at a minimum, the following data elements:

25 (1) a statement that the discount medical plan or discount drug plan is  
26 not insurance;

27 (2) (i) the name or identifying trademark of the discount medical  
28 plan organization or the discount drug plan organization; or



1 (ii) the name or identifying trademark of the provider networks  
2 that participate with the discount medical plan or discount drug plan; and

3 (3) the telephone number that the plan member may call for  
4 assistance.

5 DRAFTER'S NOTE:

6 Error: Omitted word in § 14–609(a) of the Insurance Article.

7 Occurred: Ch. 629, Acts of 2007. Correction by the publisher of the Annotated  
8 Code in the 2007 Supplement of the Insurance Article is ratified by this Act.

9 **Article – Labor and Employment**

10 8–607.

11 (b) (1) Subject to paragraph (2) of this subsection, the taxable wage base  
12 is the first \$8,500 in wages that:

13 (iv) an employing unit or predecessor employer or combination of  
14 both pays to each employee for covered employment during a calendar year if the  
15 payrolls and benefit charges of the predecessor employing unit are transferred to the  
16 successor employing unit in accordance **WITH** § 8–613(d) or (e) of this subtitle.

17 DRAFTER'S NOTE:

18 Error: Omitted word in § 8–607(b)(1)(iv) of the Labor and Employment Article.

19 Occurred: Ch. 471, Acts of 2007. Correction by the publisher of the Annotated  
20 Code in the 2007 Supplement of the Labor and Employment Article is ratified by this  
21 Act.

22 9–234.

23 (r) An individual is a covered employee:

24 (1) [while on duty as a member of a volunteer company in Prince  
25 George's County that receives money as provided in § 650 of the Public Local Laws of  
26 Prince George's County;

27 (2)] while on duty as a member of the Laurel volunteer rescue squad in  
28 Prince George's County; or

29 ~~[(3)]~~ (2) [if not covered under item (1) or (2) of this subsection,] while  
30 a member of a volunteer company in Prince George's County.

1 DRAFTER'S NOTE:

2 Error: Obsolete reference in § 9–234(r) of the Labor and Employment Article.

3 Occurred: As a result of Ch. 8, Acts of 1991. Section 650 of the Code of the  
4 Public Local Laws of Prince George's County was transferred to § 11–304 of the Code  
5 of Prince George's County, which was repealed by the County Council of Prince  
6 George's County in 1984 under Council Bill 59 (Chapter 51). The repeal was not  
7 reflected in the 1991 revision of the Labor and Employment Article. Section  
8 9–234(r)(3) includes the class of individuals described under § 9–234(r)(1), rendering §  
9 9–234(r)(1) obsolete. Correction suggested by the Office of the Attorney General,  
10 Counsel to the General Assembly.

11 **Article – Natural Resources**

12 4–702.

13 (a) Except as provided in subsection (b) **OF THIS SECTION**, a person may not  
14 buy, sell, ship, transport, or otherwise deal in finfish or shellfish unless the person is  
15 licensed by the Department.

16 DRAFTER'S NOTE:

17 Error: Stylistic error in § 4–702(a) of the Natural Resources Article.

18 Occurred: Ch. 579, Acts of 1983.

19 10–301.1.

20 (c) (3) Any similar certificate, or hunting license, issued outside the State  
21 by a governmental agency, shall be accepted as complying with the requirements of  
22 paragraph (1) of [the] **THIS** subsection, if the privileges are reciprocal for Maryland  
23 residents.

24 DRAFTER'S NOTE:

25 Error: Stylistic error in § 10–301.1(c)(3) of the Natural Resources Article.

26 Occurred: Ch. 6, Acts of 1990.

27 **Article – Real Property**

28 3–105.

29 (d) (3) When the debt secured by a mortgage or deed of trust is paid fully  
30 or satisfied, and the canceled check evidencing final payment or, if the canceled check

1 is unavailable, a copy of the canceled check accompanied by a certificate from the  
2 institution on which the check was drawn stating that the copy is a true and genuine  
3 image of the original check is presented, it may be received by the clerk and indexed  
4 and recorded as any other instrument in the nature of a release. The canceled check or  
5 copy accompanied by the certificate has the same effect as a release of the property for  
6 which the mortgage or deed of trust is the security, as if a release were executed by the  
7 mortgagee or named trustees, if:

8 (i) The party making satisfaction of the mortgage or deed of  
9 trust has:

10 1. Allowed at least a 60-day waiting period, from the  
11 date the mortgage or deed of trust is paid fully or is satisfied, for the party satisfied to  
12 provide a release suitable for recording;

13 2. Sent the party satisfied a copy of this section and a  
14 notice that, unless a release is provided within 30 days, the party making satisfaction  
15 will obtain a release by utilizing the provisions of this paragraph; and

16 3. Following the mailing of the notice required under  
17 [sub-paragraph] **ITEM 2** of this [subparagraph] **ITEM**, allowed an additional  
18 waiting period of at least 30 days for the party satisfied to provide a release suitable  
19 for recording; and

20 **DRAFTER'S NOTE:**

21 Error: Stylistic error in § 3-105(d)(3)(i)3 of the Real Property Article.

22 Occurred: Ch. 656, Acts of 1987.

23 11-136.

24 (a) (1) An owner required to give notice under § 11-102.1 of this title shall  
25 offer in writing to each tenant entitled to receive that notice the right to purchase that  
26 portion of the property occupied by the tenant as his residence. The offer shall be at a  
27 price and on terms and conditions at least as favorable as the price, terms, and  
28 conditions offered for that portion of the property to any other person during the [180  
29 day] **180-DAY** period following the giving of the notice required by § 11-102.1 of this  
30 title. Settlement cannot be required any earlier than 120 days after the offer is  
31 accepted by the tenant.

32 (e) If the offer terminates, the owner may not offer to sell that unit at a price  
33 or on terms and conditions more favorable to the offeree than the price, terms, and  
34 conditions offered to the tenant during the [180 day] **180-DAY** period following the  
35 giving of the notice required by § 11-102.1 of this title.

36 **DRAFTER'S NOTE:**

1 Error: Omitted hyphen in § 11–136(a)(1) and (e) of the Real Property Article.

2 Occurred: Ch. 836, Acts of 1982.

3 14–108.1.

4 (a) This section does not apply to:

5 (3) An action for nonpayment of ground rent under a ground lease on  
6 residential property that is or was used, intended to be used, or authorized to be used  
7 for four [of] **OR** fewer dwelling units.

8 DRAFTER’S NOTE:

9 Error: Incorrect word usage in § 14–108.1(a)(3) of the Real Property Article.

10 Occurred: Ch. 286, Acts of 2007. Correction by the publisher of the Annotated  
11 Code in the 2007 Supplement of the Real Property Article is ratified by this Act.

12 14–125.2.

13 (a) (3) “Nuisance” means:

14 (iii) A property to which police or other law enforcement agencies  
15 have responded to complaints or calls for service 4 or more times within any [30 day]  
16 **30-DAY** period and that:

17 1. Negatively impacts the well-being of other residents;

18 and

19 2. A. Is injurious to public health, safety, or welfare;

20 or

21 B. Obstructs the reasonable use of property;

22 DRAFTER’S NOTE:

23 Error: Omitted hyphen in § 14–125.2(a)(3)(iii) of the Real Property Article.

24 Occurred: Ch. 336, Acts of 2007.

25 **Article – State Finance and Procurement**

26 7–315.

27 (f) (2) The Fund shall be expended:

1 (iv) for energy extension service and [low income home energy]  
2 **LOW-INCOME HOME-ENERGY** programs provided under 42 U.S.C. §§ 7001 through  
3 7011 and 8621 through 8629;

4 DRAFTER'S NOTE:

5 Error: Omitted hyphens in § 7-315(f)(2)(iv) of the State Finance and  
6 Procurement Article.

7 Occurred: Ch. 526, Acts of 1989.

8 18-102.

9 (a) (1) This title applies to an employee of an employer for the duration of  
10 a contract subject to this title if at least one-half of the employee's time during any  
11 [work week] **WORKWEEK** relates to a State contract for services or a subcontract for  
12 services under a State contract.

13 DRAFTER'S NOTE:

14 Error: Incorrect word usage in § 18-102(a)(1) of the State Finance and  
15 Procurement Article.

16 Occurred: Ch. 284, Acts of 2007.

17 18-103.

18 (c) If an employer commits in its bid or proposal to provide health insurance  
19 to an employee, either directly or through an employee representative, the employer  
20 may:

21 (2) reduce the wage **RATE** paid under subsection (a) of this section to  
22 any employee covered by the insurance by all or part of the hourly cost of the  
23 employer's share of the premium for each employee.

24 DRAFTER'S NOTE:

25 Error: Omitted word in § 18-103(c)(2) of the State Finance and Procurement  
26 Article.

27 Occurred: Ch. 284, Acts of 2007.

28 19-107.

1 (a) Commission staff shall be responsible for directing and conducting  
2 investigations of discrimination and retaliation complaints filed under this title in a  
3 manner consistent with Article [49B § 3, § 10, and § 11] **49B, §§ 3, 10, AND 11.**

4 (d) (2) A protective order issued under paragraph (1) of this subsection  
5 may include:

6 (ii) information disclosed in accordance with § 19–116 of this  
7 [subtitle] **TITLE.**

8 **DRAFTER’S NOTE:**

9 Error: Stylistic error in § 19–107(a) and (d)(2)(ii) of the State Finance and  
10 Procurement Article.

11 Occurred: Chs. 529 and 530, Acts of 2007; Ch. 283, Acts of 2006.

12 19–110.

13 (a) When an allegation is sustained by an administrative law judge under  
14 this title, the administrative law judge may take additional evidence on the  
15 appropriate remedy to be recommended, including evidence relating to factors set  
16 forth in § 19–108(e) of this [subtitle] **TITLE** and any other evidence deemed relevant  
17 by the administrative law judge.

18 **DRAFTER’S NOTE:**

19 Error: Stylistic error in § 19–110(a) of the State Finance and Procurement  
20 Article.

21 Occurred: Ch. 283, Acts of 2006.

## 22 **Article – State Government**

23 2–10A–03.

24 (b) (2) Of the 15 members:

25 (i) 1. 2 shall be members of the Senate appointed by the  
26 President of the Senate;

27 2. 2 shall be Delegates appointed by the Speaker **OF**  
28 **THE HOUSE OF DELEGATES;** and

29 **DRAFTER’S NOTE:**

30 Error: Stylistic error in § 2–10A–03(b)(2)(i)2 of the State Government Article.

1 Occurred: Ch. 55, Acts of 1991.

2 8–403.

3 (b) Except as otherwise provided in subsection (a) of this section, on or before  
4 the evaluation date for the following governmental activities or units, an evaluation  
5 shall be made of the following governmental activities or units and the statutes and  
6 regulations that relate to the governmental activities or units:

7 (1) Acupuncture Board, State (§ 1A–201 of the Health Occupations  
8 Article: July 1, 2014);

9 [(2) Adolescent Pregnancy, Governor’s Council on (Article 49D, § 21 of  
10 the Code: July 1, 2003);]

11 [(3) (2) Amusement Ride Safety, State Advisory Board (§ 3–303 of  
12 the Business Regulation Article: July 1, 2013);

13 [(4) (3) Apprenticeship and Training Council (§ 11–403 of the Labor  
14 and Employment Article: July 1, 2013);

15 [(5) (4) Architects, State Board of (§ 3–201 of the Business  
16 Occupations and Professions Article: July 1, 2012);

17 [(6) (5) Athletic Commission, State (§ 4–201 of the Business  
18 Regulation Article: July 1, 2010);

19 [(7) (6) Audiologists, Hearing Aid Dispensers, and  
20 Speech–Language Pathologists, State Board of Examiners for (§ 2–201 of the Health  
21 Occupations Article: July 1, 2015);

22 [(8) (7) Banking Board (§ 2–201 of the Financial Institutions Article:  
23 July 1, 2011);

24 [(9) (8) Barbers, State Board of (§ 4–201 of the Business  
25 Occupations and Professions Article: July 1, 2010);

26 [(10) (9) Boiler Rules, Board of (§ 12–904 of the Public Safety Article:  
27 July 1, 2013);

28 [(11) (10) Cemetery Oversight, Office of (§ 5–201 of the Business  
29 Regulation Article: July 1, 2012);

30 [(12) Children, Youth, and Families, Office for (Article 49D, § 1 of the  
31 Code: July 1, 2004);]

1            [(13)] **(11)** Chiropractic Examiners, State Board of (§ 3–201 of the  
2 Health Occupations Article: July 1, 2011);

3            [(14)] **(12)** Collection Agency Licensing Board, State (§ 7–201 of the  
4 Business Regulation Article: July 1, 2011);

5            [(15)] **(13)** Cosmetologists, State Board of (§ 5–201 of the Business  
6 Occupations and Professions Article: July 1, 2010);

7            [(16)] **(14)** Counselors and Therapists, State Board of Professional  
8 (§ 17–201 of the Health Occupations Article: July 1, 2008);

9            [(17)] **(15)** Dental Examiners, State Board of (§ 4–201 of the Health  
10 Occupations Article: July 1, 2010);

11           [(18)] **(16)** Dietetic Practice, State Board of (§ 5–201 of the Health  
12 Occupations Article: July 1, 2014);

13           [(19)] **(17)** Electricians, State Board of Master (§ 6–201 of the Business  
14 Occupations and Professions Article: July 1, 2012);

15           [(20)] **(18)** Electrology Practice Committee (§ 8–6B–05 of the Health  
16 Occupations Article: July 1, 2012);

17           [(21)] **(19)** Elevator Safety Review Board (§§ 12–819 through 12–841 of  
18 the Public Safety Article: July 1, 2013);

19           [(22) Engineers, State Board of Stationary (§ 6.5–201 of the Business  
20 Occupations and Professions Article: July 1, 2013);]

21           [(23)] **(20)** Engineers, State Board for Professional (§ 14–201 of the  
22 Business Occupations and Professions Article: July 1, 2012);

23           **(21) ENGINEERS, STATE BOARD OF STATIONARY (§ 6.5–201 OF**  
24 **THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: JULY 1, 2013);**

25           [(24)] **(22)** Environmental Sanitarians, State Board of (§ 11–201 of the  
26 Environment Article: July 1, 2012);

27           [(25)] **(23)** Financial Regulation, Office of the Commissioner of (§ 2–101  
28 of the Financial Institutions Article: July 1, 2011);

29           [(26)] **(24)** Foresters, State Board of (§ 7–201 of the Business  
30 Occupations and Professions Article: July 1, 2014);



1            [(27)] **(25)** Health Care Commission, Maryland (§ 19–103 of the Health  
2 – General Article: July 1, 2017);

3            [(28)] **(26)** Health Services Cost Review Commission, State (§ 19–202 of  
4 the Health – General Article: July 1, 2017);

5            [(29)] **(27)** Heating, Ventilation, Air–Conditioning, and Refrigeration  
6 Contractors, State Board of (§ 9A–201 of the Business Regulation Article: July 1,  
7 2012);

8            [(30)] **(28)** Home Improvement Commission, Maryland (§ 8–201 of the  
9 Business Regulation Article: July 1, 2011);

10           [(31)] **(29)** Horse Industry Board, Maryland (§ 2–701 of the Agriculture  
11 Article: July 1, 2015);

12           [(32) Individuals with Disabilities, Office for (§ 9–1102 of the State  
13 Government Article: July 1, 2014);]

14           [(33)] **(30)** Insurance Administration (§§ 2–101 and 2–103 of the  
15 Insurance Article: July 1, 2012);

16           [(34)] **(31)** Interior Designers, State Board of Certified (§ 8–201 of the  
17 Business Occupations and Professions Article: July 1, 2013);

18           [(35)] **(32)** Labor and Industry, Division of (Title 2 of the Labor and  
19 Employment Article: July 1, 2013);

20           [(36)] **(33)** Land Surveyors, State Board for Professional (§ 15–201 of  
21 the Business Occupations and Professions Article: July 1, 2012);

22           [(37)] **(34)** Landscape Architects, State Board of Examiners of (§ 9–201  
23 of the Business Occupations and Professions Article: July 1, 2012);

24           [(38)] **(35)** Law Examiners, State Board of (§ 10–201 of the Business  
25 Occupations and Professions Article: July 1, 2009);

26           [(39)] **(36)** Maryland–Bred Race Fund Advisory Committee (§ 11–531 of  
27 the Business Regulation Article: July 1, 2010);

28           [(40)] **(37)** Morticians **AND FUNERAL DIRECTORS**, State Board of  
29 (§ 7–201 of the Health Occupations Article: July 1, 2007);

30           [(41)] **(38)** Nursing, State Board of (§ 8–201 of the Health Occupations  
31 Article: July 1, 2012);

1            [(42)] **(39)** Nursing Home Administrators, State Board of Examiners of  
2            (§ 9–201 of the Health Occupations Article: July 1, 2012);

3            [(43)] **(40)** Occupational Safety and Health Advisory Board (§ 5–302 of  
4            the Labor and Employment Article: July 1, 2013);

5            [(44)] **(41)** Occupational Therapy Practice, State Board of (§ 10–201 of  
6            the Health Occupations Article: July 1, 2014);

7            [(45)] **(42)** Optometry, State Board of Examiners in (§ 11–201 of the  
8            Health Occupations Article: July 1, 2012);

9            [(46)] **(43)** Pharmacy, State Board of (§ 12–201 of the Health  
10            Occupations Article: July 1, 2012);

11            [(47)] **(44)** Physical Therapy Examiners, State Board of (§ 13–201 of  
12            the Health Occupations Article: July 1, 2011);

13            [(48)] **(45)** Physician Assistant Advisory Committee (§ 15–201 of the  
14            Health Occupations Article: July 1, 2012);

15            [(49)] **(46)** Physicians, State Board of (§ 14–201 of the Health  
16            Occupations Article: July 1, 2012);

17            [(50)] **(47)** Pilots, State Board of (§ 11–201 of the Business Occupations  
18            and Professions Article: July 1, 2012);

19            [(51)] **(48)** Plumbing, State Board of (§ 12–201 of the Business  
20            Occupations and Professions Article: July 1, 2012);

21            [(52)] **(49)** Podiatric Medical Examiners, State Board of (§ 16–201 of  
22            the Health Occupations Article: July 1, 2011);

23            [(53)] **(50)** Polysomnography Professional Standards Committee  
24            (§ 14–5C–05 of the Health Occupations Article: July 1, 2012);

25            [(54)] **(51)** Prevailing Wage Rates, Advisory Council on (§ 17–203 of the  
26            State Finance and Procurement Article: July 1, 2013);

27            [(55)] **(52)** Psychologists, State Board of Examiners of (§ 18–201 of the  
28            Health Occupations Article: July 1, 2012);

29            [(56)] **(53)** Public Accountancy, State Board of (§ 2–201 of the Business  
30            Occupations and Professions Article: July 1, 2014);

1            [(57)] **(54)** Racing Commission, State (§ 11–201 of the Business  
2 Regulation Article: July 1, 2010);

3            [(58)] **(55)** Radiation Oncology/Therapy Technologists, Medical  
4 Radiation Technologists, and Nuclear Medicine Technologists Advisory Committee  
5 (§ 14–5B–05 of the Health Occupations Article: July 1, 2012);

6            [(59)] **(56)** Real Estate Appraisers and Home Inspectors, State  
7 Commission of (§ 16–201 of the Business Occupations and Professions Article: July 1,  
8 2012);

9            [(60)] **(57)** Real Estate Commission, State (§ 17–201 of the Business  
10 Occupations and Professions Article: July 1, 2011);

11           [(61)] **(58)** Residential Child Care Program Administrators, State  
12 Board for Certification of (§ 20–202 of the Health Occupations Article: July 1, 2013);

13           [(62)] **(59)** Respiratory Care Professional Standards Committee, State  
14 (§ 14–5A–05 of the Health Occupations Article: July 1, 2012);

15           [(63)] **(60)** Security Systems Technicians, Licensing and Regulation of  
16 (§ 18–201 of the Business Occupations and Professions Article: July 1, 2015);

17           [(64)] **(61)** Social Work Examiners, State Board of (§ 19–201 of the  
18 Health Occupations Article: July 1, 2013);

19           [(65)] **(62)** Standardbred Race Fund Advisory Committee, Maryland  
20 (§ 11–625 of the Business Regulation Article: July 1, 2010);

21           [(66)] **(63)** Tobacco Authority (§ 7–201 of the Agriculture Article: July  
22 1, 2010);

23           [(67)] **(64)** Veterinary Medical Examiners, State Board of (§ 2–302 of  
24 the Agriculture Article: July 1, 2010);

25           [(68)] **(65)** Waterworks and Waste Systems Operators, State Board of  
26 (§ 12–201 of the Environment Article: July 1, 2010); and

27           [(69)] **(66)** Well Drillers, State Board of (§ 13–201 of the Environment  
28 Article: July 1, 2010).

29           DRAFTER'S NOTE:

30           Error: Obsolete cross-references; misplaced language in § 8–403(b) of the State  
31 Government Article.

1 Occurred: The reference to the Governor's Council on Adolescent Pregnancy in  
2 former subsection (b)(2), and the reference to the Office for Children, Youth, and  
3 Families, in former subsection (b)(12), were rendered obsolete as a result of Ch. 282,  
4 Acts of 2002, which repealed the Council and the Office. The reference to the State  
5 Board of Stationary Engineers in former subsection (b)(22) was codified out of proper  
6 alphabetical order as a result of Ch. 613, Acts of 2005. The reference to the Office for  
7 Individuals with Disabilities in former subsection (b)(32) was rendered obsolete as a  
8 result of Ch. 425, Acts of 2004, which repealed the Office. The reference to the State  
9 Board of Morticians in former subsection (b)(40) was rendered incorrect as a result of  
10 Chs. 185 and 186, Acts of 2007, which renamed the Board.

11 9–802.

12 (h) The Subcabinet shall:

13 (4) collaborate with and review the recommendations of the Maryland  
14 Military Installation Council established under Article [83A] **83A**, § 5–1710.1 of the  
15 Code;

16 DRAFTER'S NOTE:

17 Error: Omitted comma in § 9–802(h)(4) of the State Government Article.

18 Occurred: Ch. 6, Acts of 2007.

19 15–704.

20 (c) (1) Except as provided in paragraph (2) of this subsection, a report  
21 required under this section also shall include the name of each official, employee, or  
22 member of the immediate family of an official or employee who has [benefitted]  
23 **BENEFITED** from one or more gifts with a cumulative value of \$75 during the  
24 reporting period from the regulated lobbyist, regardless of whether the gift:

25 (i) is attributable to more than one entity; or

26 (ii) was given in connection with lobbying activity.

27 DRAFTER'S NOTE:

28 Error: Misspelling in § 15–704(c)(1) of the State Government Article.

29 Occurred: Ch. 631, Acts of 2001.

30 15–705.

31 (a) In addition to any other report required under this subtitle, a regulated  
32 lobbyist shall file a separate report disclosing the name of any State official of the

1 Executive Branch or member of the immediate family of a State official of the  
2 Executive Branch who has [benefitted] **BENEFITED** during the reporting period from  
3 gifts of meals or beverages from the regulated lobbyist, whether or not in connection  
4 with lobbying activities, allowed under § 15–505(c)(2)(i)1 of this title.

5 DRAFTER’S NOTE:

6 Error: Misspelling in § 15–705(a) of the State Government Article.

7 Occurred: Ch. 631, Acts of 2001.

8 **Article – State Personnel and Pensions**

9 34–101.

10 (i) Beginning in fiscal year 2009, the Board of Trustees may transfer an  
11 amount from the Postretirement Health Benefits Trust Fund to the [the] Department  
12 of Budget and Management, subject to appropriation in the State budget, for the sole  
13 purpose of assisting in the payment of the State’s postretirement health insurance  
14 subsidy.

15 DRAFTER’S NOTE:

16 Error: Extraneous article in § 34–101(i) of the State Personnel and Pensions  
17 Article.

18 Occurred: Ch. 355, Acts of 2007. Correction by the publisher of the Annotated  
19 Code in the 2007 Supplement to the 2004 Replacement Volume is ratified by this Act.

20 37–203.1.

21 (b) (3) (i) 1. This subparagraph applies only to an individual who  
22 transferred service credit from a noncontributory system to the State Alternate  
23 Contributory Employees’ Pension System, the State Alternate Contributory Teachers’  
24 Pension System, the State Contributory Employees’ Pension [System] **SYSTEM**, or the  
25 State Contributory Teachers’ Pension System and earned any portion of the  
26 transferred service credit in a noncontributory system after June 30, 1998.

27 DRAFTER’S NOTE:

28 Error: Omitted comma in § 37–203.1(b)(3)(i)1 of the State Personnel and  
29 Pensions Article.

30 Occurred: Ch. 337, Acts of 2007.

31 **Article – Tax – General**

1 2-1103.

2 After making the distributions required under §§ 2-1101 and 2-1102 of this  
3 subtitle, the Comptroller shall distribute:

4 (1) the remaining motor fuel tax revenue from aviation fuel to the  
5 Transportation Trust Fund; and

6 (2) all remaining motor fuel tax revenue, equal to the average  
7 percentage by which the motor fuel tax rate exceeds 18.5 cents per gallon, to the  
8 [gasoline] **GASOLINE** and [motor vehicle revenue account] **MOTOR VEHICLE**  
9 **REVENUE ACCOUNT** in the Transportation Trust Fund.

10 DRAFTER'S NOTE:

11 Error: Capitalization errors in § 2-1103(2) of the Tax – General Article.

12 Occurred: Ch. 3, Acts of the First Special Session of 1992.

13 10-207.

14 (c-1) (1) (i) In this [subsection,] **SUBSECTION** the following words have  
15 the meanings indicated.

16 DRAFTER'S NOTE:

17 Error: Extraneous comma in § 10-207(c-1)(1)(i) of the Tax – General Article.

18 Occurred: Ch. 545, Acts of 1989.

19 10-211.

20 (b) (1) If an individual other than one described in [subsection (c) of this  
21 section] **PARAGRAPH (2) OF THIS SUBSECTION** has federal adjusted gross income for  
22 the taxable year greater than \$100,000, the amount allowed for each exemption under  
23 subsection (a)(1) or (2) of this section is limited to:

24 (i) \$2,400 if federal adjusted gross income for the taxable year  
25 does not exceed \$125,000;

26 (ii) \$1,800 if federal adjusted gross income for the taxable year  
27 is greater than \$125,000 but not greater than \$150,000;

28 (iii) \$1,200 if federal adjusted gross income for the taxable year  
29 is greater than \$150,000 but not greater than \$200,000; and

1 (iv) \$600 if federal adjusted gross income for the taxable year is  
2 greater than \$200,000.

3 DRAFTER'S NOTE:

4 Error: Incorrect cross-reference in § 10-211(b)(1) of the Tax – General Article.

5 Occurred: Ch. 3, § 1, Acts of the Special Session of 2007.

6 10-704.3.

7 (g) If a credit is claimed under this section, the claimant must make the  
8 addition required in § 10-205 or § 10-306 of this [article] **TITLE**.

9 DRAFTER'S NOTE:

10 Error: Stylistic error in § 10-704.3(g) of the Tax – General Article.

11 Occurred: Ch. 370, Acts of 2007.

12 13-901.

13 (f) (1) A claim for refund of motor fuel tax may be filed by a claimant who  
14 pays the tax on:

15 (ii) motor fuel, as defined in § 9-101 of this article, that:

16 3. except for any operation of a motor vehicle on a public  
17 highway in the State, is used for a commercial purpose, including:

18 A. the operation of a vessel used only for commercial  
19 purposes;

20 B. commercial cleaning; **OR**

21 C. commercial dyeing[; or

22 D. is lost as a result of fire, collision, or other casualty,  
23 except loss in ordinary transportation and storage];

24 4. is used in any of the following vehicles that have  
25 pumping or other equipment mechanically or hydraulically driven by the engine that  
26 propels the vehicle:

27 A. a concrete mixing motor vehicle or concrete pump  
28 truck;

- 1                   B.    a motor fuel delivery vehicle;
- 2                   C.    a solid waste compacting vehicle;
- 3                   D.    a well–drilling vehicle; or
- 4                   E.    farm equipment registered as a vehicle for highway  
5 use that is designed or adapted solely and used exclusively for bulk farm spreading of  
6 agriculture liming materials, chemicals, or fertilizer; [or]

7                   5.    is used by a system of transportation based in the  
8 State, in a vehicle that is used to provide transportation to elderly or low income  
9 individuals, or individuals with disabilities, if the system is operated by a nonprofit  
10 organization for purposes relating to the charge for which the nonprofit organization  
11 was established and the nonprofit organization:

12                   A.    is exempt for federal income tax purposes under §  
13 501(c) of the Internal Revenue Code;

14                   B.    is funded to provide transportation to elderly or low  
15 income individuals, or individuals with disabilities;

16                   C.    receives part of its operating funding from the  
17 Maryland Department of Transportation or the Maryland Department of Health and  
18 Mental Hygiene;

19                   D.    has stated in its charter or bylaws that operating  
20 transportation services for elderly or low income individuals, or individuals with  
21 disabilities, is one of the purposes for which it was established; and

22                   E.    is actively operating a system of transportation for  
23 elderly or low income individuals, or individuals with [disabilities.] **DISABILITIES; OR**

24                   **6.    IS LOST AS A RESULT OF FIRE, COLLISION, OR**  
25 **OTHER CASUALTY, EXCEPT FOR LOSS IN ORDINARY TRANSPORTATION AND**  
26 **STORAGE.**

27                   DRAFTER'S NOTE:

28                   Error: Misplaced language in § 13–901 of the Tax – General Article.

29                   Occurred: Ch. 2, Acts of 1988.

30                   13–1001.

31                   (f)    A person who is required to file a public service company franchise tax  
32 return and who willfully fails to file the return as required under Title 8 of this article



1 is guilty of a misdemeanor [and] **AND**, on [conviction] **CONVICTION**, is subject to a  
2 fine not exceeding \$5,000 or imprisonment not exceeding 5 years or both.

3 DRAFTER'S NOTE:

4 Error: Omitted commas in § 13–1001(f) of the Tax – General Article.

5 Occurred: Ch. 475, Acts of 2007.

6 **Article – Tax – Property**

7 1–101.

8 (x) “Principal office of a domestic corporation” means:

9 (3) if there is no office or place that meets the requirements of item (1)  
10 or [item] (2) of this subsection, the principal office named in the corporation charter or  
11 reported to the Department.

12 DRAFTER'S NOTE:

13 Error: Stylistic error in § 1–101(x)(3) of the Tax – Property Article.

14 Occurred: Ch. 5, § 1, Acts of 1989.

15 7–511.

16 (b) (1) If [the] **GARRETT** County reduces or eliminates the percentage of  
17 assessment of taxable personal property under subsection (a) of this section, [the]  
18 **GARRETT** County shall submit a copy of the law to the Department.

19 DRAFTER'S NOTE:

20 Error: Stylistic error in § 7–511(b)(1) of the Tax – Property Article.

21 Occurred: Ch. 587, Acts of 1997.

22 9–246.

23 (a) (1) In this section the following words have the meanings indicated.

24 (2) “Acquired dwelling” means a dwelling:

25 (i) that was owned by a qualified displaced homeowner;

26 (ii) that by negotiation or condemnation was acquired from the  
27 qualified displaced homeowner for public use by the State or a political subdivision or

1 instrumentality of the State, where the acquiring agency had the power to acquire the  
2 dwelling for public use by condemnation; and

3 (iii) for which the qualified displaced homeowner was eligible for  
4 a credit under § 9–105 of this [subtitle] **TITLE** for the taxable year in which the  
5 dwelling was acquired for public use.

6 (3) “Acquisition year” means the taxable year in which an acquired  
7 dwelling was acquired for public use by the State or a political subdivision or  
8 instrumentality of the State.

9 (4) “Dwelling” has the meaning stated in § 9–105 of this [subtitle]  
10 **TITLE**.

11 (5) “Qualified displaced homeowner” means a property owner who:

12 (i) qualified for a credit under § 9–105 of this [subtitle] **TITLE**  
13 for an acquired dwelling for the acquisition year; and

14 (ii) did not receive compensation for increased property taxes  
15 resulting from the loss of the credit under § 9–105 of this [subtitle] **TITLE**.

16 (6) “Replacement dwelling” means a dwelling that is purchased by a  
17 qualified displaced homeowner by the end of the taxable year following the acquisition  
18 year.

19 (7) “Taxable assessment” has the meaning stated in § 9–105 of this  
20 [subtitle] **TITLE**.

21 **DRAFTER’S NOTE:**

22 **Error: Erroneous internal reference in § 9–246(a)(2)(iii), (4), (5)(i) and (ii), and**  
23 **(7) of the Tax – Property Article. Correction by the publisher of the Annotated Code in**  
24 **the 2007 Replacement Volume is ratified by this Act.**

25 **Occurred: Chs. 558 and 559, Acts of 2007.**

26 **14–1009.**

27 (a) A person who willfully or with the intent to evade payment of property  
28 tax or **TO** prevent the collection of property tax [or] fails to answer an interrogatory  
29 under this article is guilty of a misdemeanor and on conviction is subject to a fine not  
30 exceeding \$5,000 or imprisonment not exceeding 18 months or both.

31 **DRAFTER’S NOTE:**

1 Error: Omitted word and extraneous language in § 14–1009(a) of the Tax –  
2 Property Article.

3 Occurred: Ch. 8, § 2, Acts of 1985.

4 **Article – Transportation**

5 4–312.

6 (a) (1) Notwithstanding the provisions of § 20 of Section 3 and § 16 of  
7 Section 4 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may be  
8 continued to be charged on the John F. Kennedy [Expressway] **MEMORIAL**  
9 **HIGHWAY** and any project constructed under the provisions of § 3 (bridge, tunnel, and  
10 motorway revenue bonds) of Chapter 608 of the Acts of the General Assembly of 1976.

11 DRAFTER'S NOTE:

12 Error: Misnomer in § 4–312(a)(1) of the Transportation Article.

13 Occurred: Ch. 941, Acts of 1978.

14 7–1003.

15 The Administration shall:

16 (3) Ensure that the grants awarded under item (2) of this section are  
17 distributed among Program applicants to provide door-to-door transportation in the  
18 following areas:

19 (ii) The [Washington] **WASHINGTON**, D.C. Metropolitan Area;

20 DRAFTER'S NOTE:

21 Error: Omitted comma in § 7–1003(3)(ii) of the Transportation Article.

22 Occurred: Ch. 112, Acts of 2004.

23 8–402.

24 (b) All revenues collected from the following, after deductions provided by  
25 law, shall be credited to the Gasoline and Motor Vehicle Revenue Account:

26 (4) The revenue disbursed to this [account] **ACCOUNT** under § 2–614  
27 of the Tax – General Article; and

28 DRAFTER'S NOTE:

1 Error: Capitalization error in § 8–402(b)(4) of the Transportation Article.

2 Occurred: Ch. 532, Acts of 1980.

3 21–809.

4 (a) (4) “Recorded image” means an image recorded by a speed monitoring  
5 system:

6 (ii) Showing:

7 3. On at least one image or portion of tape, [clearly  
8 identifying] **A CLEAR IDENTIFICATION OF** the registration plate number of the motor  
9 vehicle.

10 DRAFTER’S NOTE:

11 Error: Grammatical error in § 21–809(a)(4)(ii)3 of the Transportation Article.

12 Occurred: Ch. 15, Acts of 2006.

13 23–202.

14 (b) (1) The emissions **CONTROL** program shall provide for a biennial  
15 exhaust emissions test and emissions equipment and misfueling inspection for all  
16 vehicles of the 1977 model year and each model year thereafter.

17 DRAFTER’S NOTE:

18 Error: Misnomer in § 23–202(b)(1) of the Transportation Article. Correction  
19 uses the defined term “emissions control program”.

20 Occurred: Ch. 108, Acts of 1988.

21 **Chapter 636 of the Acts of 2007**

22 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding Section  
23 4 of Chapter 345 of the Acts of the General Assembly **OF 2006** or any other provision  
24 of law, for fiscal year 2008 only, funds remaining from the Senior Prescription Drug  
25 Program that have accrued to the account of the Senior Prescription Drug Assistance  
26 Program of the Maryland Health Insurance Plan Fund may be transferred and  
27 appropriated in the budget bill or by budget amendment to the Department of Health  
28 and Mental Hygiene for the purpose of providing a grant, not to exceed \$425,000, to  
29 the Maryland Medbank Program under § 15–124.2 of the Health – General Article.

30 DRAFTER’S NOTE:

1 Error: Incomplete reference in Section 2 of Ch. 636, Acts of 2007

2 Occurred: Ch. 636, Acts of 2007

3 **Article 11 – Frederick County**

4 2–13–13.

5 (a) For the purpose of providing funds for the design, construction,  
6 establishment, purchase, or condemnation of water, sewerage, drainage, and solid  
7 waste systems in Frederick County pursuant to this chapter, the county is hereby  
8 authorized and empowered to borrow money, from time to time, and to evidence such  
9 borrowing by the issuance of bonds, which shall constitute a pledge of the full faith  
10 and credit and unlimited taxing power of the county. The authority hereby conferred  
11 is subject to the limitation that the county shall issue no amount of bonds pursuant to  
12 this section if, by the issuance thereof, the total unpaid bonded indebtedness under  
13 this section, less the amount of any sinking funds or reserves for payment of bonds  
14 previously issued, shall exceed [fifteen (15)] **SIX (6)** per centum of the total assessed  
15 valuation of all property in Frederick County, subject to unlimited county taxation  
16 during the fiscal year of the county most recently concluded.

17 **DRAFTER’S NOTE:**

18 Error: Obsolete percentage stated in § 2–13–13(a) of the Public Local Laws of  
19 Frederick County.

20 Occurred: As a result of Ch. 80, Acts of 2000, which altered the percentage of  
21 assessment of real property to which property tax rates apply. Correction  
22 recommended by the Office of the County Attorney of Frederick County.

23 **SECTION 2. AND BE IT FURTHER ENACTED,** That the publishers of the  
24 Annotated Code of Maryland, subject to the approval of the Department of Legislative  
25 Services, shall make any changes in the text of the Annotated Code necessary to  
26 effectuate any termination provision that was enacted by the General Assembly and  
27 has taken effect or will take effect prior to October 1, 2008. Any enactment of the 2008  
28 Session of the General Assembly that negates or extends the effect of a previously  
29 enacted termination provision shall prevail over the provisions of this section.

30 **SECTION 3. AND BE IT FURTHER ENACTED,** That the Drafter’s Notes  
31 contained in this Act are not law and may not be considered to have been enacted as  
32 part of this Act.

33 **SECTION 4. AND BE IT FURTHER ENACTED,** That the provisions of this  
34 Act are intended solely to correct technical errors in the law and there is no intent to  
35 revive or otherwise affect law that is the subject of other acts, whether those acts were  
36 signed by the Governor prior to or after the signing of this Act.

1           SECTION 5. AND BE IT FURTHER ENACTED, That any reference in the  
2 Annotated Code of Maryland rendered incorrect or obsolete by an Act of the General  
3 Assembly of 2008 shall be corrected by the publishers of the Annotated Code, in  
4 consultation with and subject to the approval of the Department of Legislative  
5 Services, with no further action required by the General Assembly. The publishers  
6 shall adequately describe any such correction in an editor's note following the section  
7 affected.

8           SECTION 6. AND BE IT FURTHER ENACTED, That the publishers of the  
9 Annotated Code of Maryland, in consultation with and subject to the approval of the  
10 Department of Legislative Services, at the time of publication of a new supplement,  
11 new volume, or replacement volume of the Annotated Code, shall make  
12 nonsubstantive corrections to codification, style, capitalization, punctuation, grammar,  
13 spelling, and any reference rendered incorrect or obsolete by an Act of the General  
14 Assembly, with no further action required by the General Assembly. The publishers  
15 shall adequately describe any such correction in an editor's note following the section  
16 affected.

17           SECTION 7. AND BE IT FURTHER ENACTED, That this Act is an emergency  
18 measure, is necessary for the immediate preservation of the public health or safety,  
19 has been passed by a yea and nay vote supported by three-fifths of all the members  
20 elected to each of the two Houses of the General Assembly, and shall take effect from  
21 the date it is enacted.