

HOUSE BILL 420

M3

9lr1549

By: **Delegates Love, Beidle, V. Clagett, Costa, George, and Sophocleus**

Introduced and read first time: February 2, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Limitation of Actions – Political Subdivisions**

3 FOR the purpose of extending to political subdivisions of the State a certain statute of
4 limitations for suits instituted seeking a civil penalty for violations of certain
5 environmental statutes or any rule, regulation, order, or permit adopted or
6 issued in accordance with those statutes; providing for the application of this
7 Act; and generally relating to the statute of limitations for civil suits for
8 environmental violations.

9 BY repealing and reenacting, with amendments,
10 Article – Environment
11 Section 1–303
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2008 Supplement)

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

16 **Article – Environment**

17 1–303.

18 A criminal prosecution or suit for a civil penalty for violation of any provision of
19 this article or any rule, regulation, order, or permit adopted or issued under this
20 article, shall be instituted within 3 years after the date the Department **OR**
21 **POLITICAL SUBDIVISION WITH AUTHORITY TO INSTITUTE A SUIT FOR A CIVIL**
22 **PENALTY UNDER THIS ARTICLE** knew or reasonably should have known of the
23 violation.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
25 construed to apply only prospectively and may not be applied or interpreted to have

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 any effect on or application to any suit for a civil penalty brought by a political
2 subdivision for any violation of any provision of the Environment Article, or any rule,
3 regulation, order, or permit adopted or issued under the Environment Article before
4 the effective date of this Act.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2009.