

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2009

CHAPTER _____

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, or for a violation under certain
7 regulatory programs; providing for the application of this Act; and generally
8 relating to the statute of limitations for civil suits for 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)** A criminal prosecution or suit for a civil penalty **BY THE DEPARTMENT**
19 for violation of any provision of this article or any rule, regulation, order, or permit
20 adopted or issued under this article, shall be instituted within 3 years after the date

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 the Department ~~OR POLITICAL SUBDIVISION WITH AUTHORITY TO INSTITUTE A~~
2 ~~SUIT FOR A CIVIL PENALTY UNDER THIS ARTICLE~~ knew or reasonably should have
3 known of the violation.

4 (B) A SUIT FOR A CIVIL PENALTY BY A POLITICAL SUBDIVISION FOR
5 VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY RULE, REGULATION,
6 ORDER, OR PERMIT ADOPTED OR ISSUED UNDER THIS ARTICLE, OR FOR A
7 VIOLATION UNDER ANY REGULATORY PROGRAM THE POLITICAL SUBDIVISION IS
8 REQUIRED TO ADOPT AND ENFORCE UNDER THE PROVISIONS OF THIS ARTICLE,
9 SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE DATE THE POLITICAL
10 SUBDIVISION KNEW OR REASONABLY SHOULD HAVE KNOWN OF THE VIOLATION.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
12 construed to apply only prospectively and may not be applied or interpreted to have
13 any effect on or application to any suit for a civil penalty brought by a political
14 subdivision for any violation of any provision of the Environment Article, or any rule,
15 regulation, order, or permit adopted or issued under the Environment Article before
16 the effective date of this Act.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.