

# CHAPTER 391

(House Bill 420)

AN ACT concerning

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

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

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

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

### **Article – Environment**

1–303.

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

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

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

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

**Approved by the Governor, May 7, 2009.**