

CHAPTER 68

(Senate Bill 440)

AN ACT concerning

Annual Curative Bill

FOR the purpose of generally curing previous Acts of the General Assembly with possible title defects; prohibiting the Dorchester County Board of License Commissioners from approving the transfer of a certain license issued on or before a certain date; authorizing the Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation to grant a certain property tax credit for certain residential real property owned by a disabled correctional officer or the surviving spouse of a certain fallen correctional officer; providing for the effect and construction of certain provisions of this Act; making this Act an emergency measure; and generally repealing and reenacting without amendments certain Acts of the General Assembly that may be subject to possible title defects in order to validate those Acts.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 5–201(k)(4) and 9–102(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 10–401(11)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 10–340 and the part “Part VI. Registration, Enforcement, and
Modification of Support Order”
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 8–1802(a)(13) through (23)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 9–210
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–619.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Chapter 280 of the Acts of the General Assembly of 2005, as amended by
Chapter 21 of the Acts of the General Assembly of 2006 and Chapters 624
and 625 of the Acts of the General Assembly of 2008
Section 14

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

Article 2B – Alcoholic Beverages

5–201.

(k) (4) The Dorchester County Board of License Commissioners may not approve the transfer of a Class B (on–sale and off–sale) beer and light wine license issued on or before June 30, 2008.

DRAFTER’S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 564 (Senate Bill 154) of the Acts of 2008.

9–102.

(a) No more than one license provided by this article, except by way of renewal or as otherwise provided in this section, shall be issued in any county or Baltimore City, to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company, in Baltimore City or any county of the State, and no more than one license shall be issued for the same premises except as provided in §§ 2–201 through 2–208, 2–301, and 6–701 of this article, and nothing herein shall be construed to apply to § 6–201(r)(4), (15), and (17), § 7–101(b) and (c), § 8–202(g)(2)(ii) and (iii), § 8–508, or § 12–202 of this article.

DRAFTER’S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that Article 2B, § 9–201(a), rather than § 9–102(a), was being amended.

Occurred: Chapter 676 (House Bill 1013) of the Acts of 2008.

Article – Courts and Judicial Proceedings

10–401.

(11) (i) “Electronic communication” means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system.

(ii) “Electronic communication” does not include:

1. Any wire or oral communication;
2. Any communication made through a tone-only paging device; or
3. Any communication from a tracking device.

DRAFTER’S NOTE:

Error: Function paragraphs of bills being cured incorrectly indicated that § 10–401(11) of the Courts Article was unamended.

Occurred: Chapters 380 and 381 (Senate Bill 271/House Bill 869) of the Acts of 2008.

Article – Family Law

Part VI. Registration, Enforcement, and Modification of Support Order.

10–340.

A support order or income withholding order issued by a tribunal of another state may be registered in this State for enforcement.

DRAFTER’S NOTE:

Error: Function paragraph of bill being cured incorrectly described part designation.

Occurred: Chapter 522 (House Bill 786) of the Acts of 2008.

Article – Natural Resources

8–1802.

(a) (13) (i) “Intensely developed area” means an area of at least 20 acres or the entire upland portion of the critical area within a municipal corporation, whichever is less, where:

1. Residential, commercial, institutional, or industrial developed land uses predominate; and

2. A relatively small amount of natural habitat occurs.

(ii) “Intensely developed area” includes:

1. An area with a housing density of at least four dwelling units per acre;

2. An area with public water and sewer systems with a housing density of more than three dwelling units per acre; or

3. A commercial marina redesignated by a local jurisdiction from a resource conservation area or limited development area to an intensely developed area through a mapping correction that occurred before January 1, 2006.

(14) “Land classification” means the designation of land in the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in accordance with the criteria adopted by the Commission as an intensely developed area or district, a limited development area or district, or a resource conservation area or district.

(15) (i) “Limited development area” means an area:

1. That is developed in low or moderate intensity uses and contains areas of natural plant and animal habitat; and

2. Where the quality of runoff has not been substantially altered or impaired.

(ii) “Limited development area” includes an area:

1. With a housing density ranging from one dwelling unit per five acres up to four dwelling units per acre;
2. With a public water or sewer system;
3. That is not dominated by agricultural land, wetland, forests, barren land, surface water, or open space; or
4. That is less than 20 acres and otherwise qualifies as an intensely developed area under paragraph (13) of this subsection.

(16) “Local jurisdiction” means a county, or a municipal corporation with planning and zoning powers, in which any part of the Chesapeake Bay Critical Area or the Atlantic Coastal Bays Critical Area, as defined in this subtitle, is located.

(17) (i) “Lot coverage” means the percentage of a total lot or parcel that is:

1. Occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or
2. Covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any man-made material.

(ii) “Lot coverage” includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) “Lot coverage” does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow water to pass freely.

(18) (i) “Program” means the critical area protection program of a local jurisdiction.

(ii) “Program” includes any amendments to the program.

(19) (i) "Program amendment" means any change or proposed change to an adopted program that is not determined by the Commission chairman to be a program refinement.

(ii) "Program amendment" includes a change to a zoning map that is not consistent with the method for using the growth allocation contained in an adopted program.

(20) (i) "Program refinement" means any change or proposed change to an adopted program that the Commission chairman determines will result in a use of land or water in the Chesapeake Bay Critical Area or the Atlantic Coastal Bays Critical Area in a manner consistent with the adopted program, or that will not significantly affect the use of land or water in the critical area.

(ii) "Program refinement" may include:

1. A change to an adopted program that results from State law;
2. A change to an adopted program that affects local processes and procedures;
3. A change to a local ordinance or code that clarifies an existing provision; and
4. A minor change to an element of an adopted program that is clearly consistent with the provisions of this subtitle and all of the criteria of the Commission.

(21) (i) "Project approval" means the approval of development, other than development by a State or local government agency, in the Chesapeake Bay Critical Area or the Atlantic Coastal Bays Critical Area by the appropriate local approval authority.

(ii) "Project approval" includes:

1. Approval of subdivision plats and site plans;
2. Inclusion of areas within floating zones;
3. Issuance of variances, special exceptions, and conditional use permits; and
4. Approval of rezoning.

(iii) "Project approval" does not include building permits.

(22) (i) “Resource conservation area” means an area that is characterized by:

1. Nature dominated environments, such as wetlands, surface water, forests, and open space; and

2. Resource-based activities, such as agriculture, forestry, fisheries, or aquaculture.

(ii) “Resource conservation area” includes an area with a housing density of less than one dwelling per five acres.

(23) “Tributary stream” means a perennial stream or an intermittent stream within the critical area that has been identified by site inspection or in accordance with local program procedures approved by the Commission.

DRAFTER’S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that § 8–1802(a)(13) through (23), rather than § 8–1802(a)(13) through (18), of the Natural Resources Article was being amended and that § 8–1802(a)(15), rather than § 8–1802(a)(13), (15), (17), (22), and (23), was being added.

Occurred: Chapter 119 (House Bill 1253) of the Acts of 2008.

Article – Tax – Property

9–210.

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

(2) “Disabled law enforcement officer or rescue worker” means an individual who:

(i) has been found to be permanently and totally disabled by an administrative body or court of competent jurisdiction authorized to make such a determination; and

(ii) became disabled:

1. as a result of or in the course of employment as a law enforcement officer or a correctional officer; or

2. while in the active service of a fire, rescue, or emergency medical service, unless the disability was the result of the individual's own willful misconduct or abuse of alcohol or drugs.

(3) (i) "Dwelling" means real property that:

1. is the legal residence of a disabled law enforcement officer or rescue worker or a surviving spouse; and

2. is occupied by not more than two families.

(ii) "Dwelling" includes the lot or curtilage and structures necessary to use the real property as a residence.

(4) "Fallen law enforcement officer or rescue worker" means an individual who dies:

(i) as a result of or in the course of employment as a law enforcement officer or a correctional officer; or

(ii) while in the active service of a fire, rescue, or emergency medical service, unless the death was the result of the individual's own willful misconduct or abuse of alcohol or drugs.

(5) "Surviving spouse" means a surviving spouse, who has not remarried, of a fallen law enforcement officer or rescue worker.

(b) The Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation may grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on a dwelling that is owned by a disabled law enforcement officer or rescue worker or a surviving spouse of a fallen law enforcement officer or rescue worker:

(1) if the dwelling was owned by the disabled law enforcement officer or rescue worker at the time the law enforcement officer or rescue worker was adjudged to be permanently and totally disabled or by the fallen law enforcement officer or rescue worker at the time of the fallen law enforcement officer's or rescue worker's death;

(2) if the disabled law enforcement officer or rescue worker was domiciled in the State as of the date the disabled law enforcement officer or rescue worker was adjudged to be permanently and totally disabled or the fallen law enforcement officer or rescue worker or the surviving spouse was domiciled in the State as of the date of the fallen law enforcement officer's or rescue worker's death and the dwelling was acquired by the disabled law enforcement officer or rescue worker within 2 years of the date the disabled law enforcement officer or rescue worker was

adjudged to be permanently and totally disabled or by the surviving spouse within 2 years of the fallen law enforcement officer's or rescue worker's death; or

(3) if the dwelling was acquired after the disabled law enforcement officer or rescue worker or the surviving spouse qualified for a credit for a former dwelling under item (1) or (2) of this subsection, to the extent of the previous credit.

(c) A county or municipal corporation may provide, by law, for:

(1) the amount and duration of a property tax credit allowed under this section; and

(2) any other provision necessary to carry out the provisions of this section.

DRAFTER'S NOTE:

Error: Purpose paragraphs of bills being cured failed to accurately describe the changes made by the bills.

Occurred: Chapters 585 and 586 (Senate Bill 481/House Bill 573) of the Acts of 2008.

Article – Transportation

13–619.1.

(a) (1) The owner of a motor vehicle, or a lessee of the vehicle under a lease not intended as security, or a director, officer, employee, or partner of a business entity that owns the vehicle may apply to the Administration for the assignment of a special registration number and special registration plates under this section for a vehicle included in one of the following classes:

(i) A Class A (passenger) vehicle;

(ii) A Class E (truck) vehicle with a one ton or less manufacturer's rated capacity;

(iii) A Class M (multipurpose) vehicle; or

(iv) A Class D (motorcycle) vehicle.

(2) To be eligible for a special registration described under subsection (c)(2)(i) of this section, an applicant shall provide proof that is satisfactory to the Administration that the applicant is a recipient of an individually earned, combat-related, armed forces medal.

(3) To be eligible for a special registration described under subsection (c)(2)(ii) of this section, an applicant shall provide proof that is satisfactory to the Administration that the applicant is an honorably discharged veteran of a branch of the armed forces of the United States.

(4) To be eligible for a special registration described under subsection (c)(2)(iii) of this section, an applicant shall provide proof that is satisfactory to the Administration that the applicant is a recipient of the U.S. Department of Defense Gold Star for surviving spouses, parents, and next of kin of members of the armed forces who lost their lives in combat.

(b) (1) In addition to the annual registration fee otherwise required under this title, an owner of a vehicle assigned a special registration under this section shall pay a fee as determined by the Administration each time new registration plates are issued for the vehicle. The fee shall be calculated to recover the costs incurred by the Administration in carrying out the provisions of this section.

(2) The additional fee charged under this section shall be retained by the Administration for the purpose of recovering the Administration's costs under this section, and may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article.

(c) Special registration plates issued under this section:

(1) May consist of any combination of letters, numerals, or both; and

(2) Shall include:

(i) For registration plates issued for an applicant described in subsection (a)(2) of this section:

1. An emblem or logo as authorized by the Administration that depicts the applicant's armed forces medal; and

2. Except on plates issued for Class D (motorcycle) vehicles, words describing the medal printed across the bottom of the plates;

(ii) Words or an emblem or logo indicating that the special registration plate holder is an honorably discharged veteran of a branch of the armed forces of the United States; or

(iii) An emblem or logo indicating that the registration plate holder is the recipient of the U.S. Department of Defense Gold Star.

(d) (1) The Administration, in consultation with the U.S. Department of Defense and appropriate representatives of the various branches of the armed forces, shall adopt regulations specifying those armed forces medals that are of the type described in subsection (a)(2) of this section and which, when awarded to an individual, qualify that individual to apply for special registration under this section.

(2) The Administration may adopt other regulations as necessary to govern the issuance of special registration numbers and special registration plates under this section.

(e) If, whether by act of the parties or by operation of law, the title or ownership interest in a vehicle assigned a special registration under this section is transferred from the joint names of a husband and wife to the individual name of either spouse, the transferee may continue to use the same special registration plates issued under this section on the vehicle after the transfer.

DRAFTER'S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that § 13–619.1, rather than § 13–619.1(a) through (d), of the Transportation Article was being amended.

Occurred: Chapter 694 (House Bill 1425) of the Acts of 2008.

Chapter 280 of the Acts of 2005, as amended by Chapter 21 of the Acts of 2006 and Chapters 624 and 625 of the Acts of 2008

SECTION 14. AND BE IT FURTHER ENACTED, That, subject to Section 13 of this Act, this Act shall take effect July 1, 2005. Section 3 of this Act shall remain effective for a period of 10 years and, at the end of June 30, 2015, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect. Section 5 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2007, with no further action required by the General Assembly, Section 5 of this Act shall be abrogated and of no further force and effect.

DRAFTER'S NOTE:

Error: Function paragraphs of bills being cured incorrectly described the Act being amended.

Occurred: Chapters 624 and 625 (Senate Bill 841/House Bill 1279) of the Acts of 2008.

SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 14, 2009.