

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 191

(Senator Edwards)

Judicial Proceedings

Environmental Matters

Real Property - Obliterating, Damaging, or Removing Property Markers - Penalty Increase

This bill increases the maximum penalty for willfully obliterating, damaging, or removing any property markers from \$500 to \$2,500.

Fiscal Summary

State Effect: Minimal increase in general fund revenues due to the bill's penalty provision for those cases heard in the District Court. Enforcement can be handled with existing resources.

Local Effect: Minimal increase in revenues due to the bill's penalty provision for those cases heard in the circuit courts. Enforcement can be handled with existing resources.

Small Business Effect: Potential minimal. The bill might result in a decrease in expenses for civil engineers, surveyors, or real estate appraisers to the extent that the higher penalty creates a more effective deterrent.

Analysis

Current Law: A person may not willfully obliterate, damage, or remove any stake, marker, monument, or other landmark placed on another person's property by any civil engineer, surveyor, or real estate appraiser, unless the marker interferes with the proper use of the property. A violation is a misdemeanor and punishable by a fine up to \$500.

Background: If a property marker is removed or damaged, a surveyor must replace and relocate the marker. A boundary survey involves field research, computations, and

measurements. The cost of a boundary survey differs depending on several factors. In Maryland, the Board for Professional Land Surveyors in the Department of Labor, Licensing, and Regulation investigates complaints against licensed and unlicensed surveyors.

The Judiciary advises that five cases were brought in 2010 relating to interference with property markers.

Additional Information

Prior Introductions: None.

Cross File: HB 117 (Delegate Beitzel) - Environmental Matters.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - February 9, 2011
mlm/kdm Revised - Senate Third Reader - March 22, 2011

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