

# HOUSE BILL 369

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By: **Delegates Stein, Carr, Frush, Luedtke, Niemann, and S. Robinson**

Introduced and read first time: February 1, 2012

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

### 2 **Coal Tar Pavement Products – Prohibition**

3 FOR the purpose of prohibiting a person from applying a coal tar pavement product to  
4 any driveway, parking lot, or other surface; defining certain terms; and  
5 generally relating to coal tar pavement products.

6 BY repealing and reenacting, without amendments,  
7 Article – Environment  
8 Section 4–501  
9 Annotated Code of Maryland  
10 (2007 Replacement Volume and 2011 Supplement)

11 BY adding to  
12 Article – Environment  
13 Section 4–801 and 4–802 to be under the new subtitle “Subtitle 8. Coal Tar  
14 Pavement Products”  
15 Annotated Code of Maryland  
16 (2007 Replacement Volume and 2011 Supplement)

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

### 19 **Article – Environment**

20 4–501.

21 (a) Any person who violates any provision of this title is guilty of a  
22 misdemeanor. Upon conviction in a court of competent jurisdiction, unless another  
23 penalty is specifically provided elsewhere in this title, the person is subject to a fine  
24 not exceeding \$500, or imprisonment not exceeding three months, or both, with costs

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



imposed in the discretion of the court. Every fine and cost shall be paid in accordance with § 7–503 of the Courts Article.

(b) Any person found guilty of a second or subsequent violation of any provision of this title in a court of competent jurisdiction, unless another penalty is specifically provided elsewhere in this title, is subject to a fine not exceeding \$1,000, or imprisonment not exceeding one year, or both with costs imposed in the discretion of the court. For the purpose of this subsection, a second or subsequent violation is one which has occurred within 2 years of any prior violation of this title.

(c) In addition to any administrative penalty provided in this title, violation of any rule or regulation or restriction promulgated by any unit within the Department of the Environment pursuant to the provisions of this title is a misdemeanor and is punishable as provided in subsections (a) and (b) of this section.

#### **SUBTITLE 8. COAL TAR PAVEMENT PRODUCTS.**

##### **4–801.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COAL TAR” MEANS A SUBSTANCE FORMED FROM THE DISTILLATION OF COAL THAT CONTAINS POLYCYCLIC AROMATIC HYDROCARBONS.

(C) “COAL TAR PAVEMENT PRODUCT” MEANS A MATERIAL THAT CONTAINS COAL TAR AND IS FOR USE AS A SEALANT ON AN ASPHALT OR A CONCRETE SURFACE.

##### **4–802.**

A PERSON MAY NOT APPLY A COAL TAR PAVEMENT PRODUCT TO ANY DRIVEWAY, PARKING LOT, OR OTHER SURFACE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.