

HOUSE BILL 1358

M3

6lr3243

By: **Delegates McMillan, Frush, Hornberger, O'Donnell, Oaks, and Stein**

Introduced and read first time: February 12, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Administrative Penalties – Statute of Limitations**

3 FOR the purpose of establishing an exception from the statute of limitations for an action
4 for an administrative penalty for an ongoing violation of certain environmental laws,
5 rules, regulations, orders, or permits; requiring the statute of limitations for an
6 action for an administrative penalty for an ongoing violation to run from a certain
7 date in certain circumstances; and generally relating to the statute of limitations for
8 environmental violations.

9 BY repealing and reenacting, with amendments,
10 Article – Environment
11 Section 1–303
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2015 Supplement)

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

16 **Article – Environment**

17 1–303.

18 (a) A criminal prosecution or a suit for a civil penalty by the Department for
19 violation of any provision of this article or any rule, regulation, order, or permit adopted or
20 issued under this article, shall be instituted within 3 years after the date the Department
21 knew or reasonably should have known of the violation.

22 (b) (1) Subject to paragraph (2) of this subsection, an action for an
23 administrative penalty by the Department for violation of any provision of this article or
24 any rule, regulation, order, or permit adopted or issued under this article, shall be

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 instituted within 5 years after the date the Department knew or reasonably should have
2 known of the violation.

3 (2) **(I)** [The] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
4 **PARAGRAPH, THE** statute of limitations for an action for an administrative penalty for an
5 ongoing violation shall be tolled until the action that caused the ongoing violation has
6 ceased.

7 **(II)** **IF THE DEPARTMENT KNEW OR REASONABLY SHOULD HAVE**
8 **KNOWN OF AN ONGOING VIOLATION AND FAILED TO NOTIFY THE RESPONSIBLE**
9 **PERSON, THE STATUTE OF LIMITATIONS SHALL RUN FROM THE DATE THE**
10 **DEPARTMENT KNEW OR REASONABLY SHOULD HAVE KNOWN OF THE VIOLATION.**

11 (c) A suit for a civil penalty by a political subdivision for violation of any provision
12 of this article or any rule, regulation, order, or permit adopted or issued under this article,
13 or for a violation under any regulatory program the political subdivision is required to adopt
14 and enforce under the provisions of this article, shall be instituted within 3 years after the
15 date the political subdivision knew or reasonably should have known of the violation.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2016.