

Chapter 660

(Senate Bill 451)

AN ACT concerning

Unlawful Employment Practice – Statute of Limitations – Tolling

FOR the purpose of tolling the period of time during which a complainant may file a civil action that alleges an unlawful employment practice while an administrative charge is pending; and generally relating to the statute of limitations for unlawful employment practices.

BY repealing and reenacting, with amendments,
Article – State Government
Section 20–1013
Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – State Government

20–1013.

(a) **(1)** In addition to the right to make an election under § 20–1007 of this subtitle, a complainant may bring a civil action against the respondent alleging an unlawful employment practice, if:

[(1)] (I) the complainant initially filed a timely administrative charge or a complaint under federal, State, or local law alleging an unlawful employment practice by the respondent;

[(2)] (II) at least 180 days have elapsed since the filing of the administrative charge or complaint; and

[(3)] (i) (III) 1. [except as provided in] **SUBJECT TO** item **[(ii)] 2** of this [paragraph] **ITEM**, the civil action is filed within 2 years after the alleged unlawful employment practice occurred; or

[(ii)] 2. if the complaint is alleging harassment, the civil action is filed within 3 years after the alleged harassment occurred.

(2) THE TIME LIMITATIONS UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION SHALL BE TOLLED WHILE AN ADMINISTRATIVE CHARGE OR COMPLAINT FILED BY THE COMPLAINANT UNDER PARAGRAPH (1)(II) IS PENDING.

(b) A civil action under this section shall be filed in the circuit court for the county where the alleged unlawful employment practice occurred.

(c) The filing of a civil action under this section automatically terminates any proceeding before the Commission based on the underlying administrative complaint and any amendment to the complaint.

(d) If the court finds that an unlawful employment practice occurred, the court may provide the remedies specified in § 20–1009(b) of this subtitle.

(e) (1) In addition to the relief authorized under subsection (d) of this section, the court may award punitive damages, if:

(i) the respondent is not a governmental unit or political subdivision; and

(ii) the court finds that the respondent has engaged in or is engaging in an unlawful employment practice with actual malice.

(2) If the court awards punitive damages, the sum of the amount of compensatory damages awarded to each complainant under subsection (d) of this section and the amount of punitive damages awarded under this subsection may not exceed the applicable limitation established under § 20–1009(b)(3) of this subtitle.

(f) If a complainant seeks compensatory or punitive damages under this section:

(1) any party may demand a trial by jury; and

(2) the court may not inform the jury of the limitations on compensatory and punitive damages imposed under § 20–1009(b)(3) of this subtitle.

(g) When appropriate and to the extent authorized under law, in a dispute arising under this part, in which the complainant seeks compensatory or punitive damages, the parties are encouraged to use alternative means of dispute resolution, including settlement negotiations or mediation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.