

March 6, 2024

The Honorable William Smith  
Chairman, Senate Judicial Proceedings Committee  
Annapolis, Maryland 21401

**RE: MBIA Letter of Opposition SB 889 Civil Actions – Enforcement Actions by the Attorney General  
– Statutes of Limitations**

Dear Chairman Smith,

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **SB 889 Civil Actions – Enforcement Actions by the Attorney General – Statutes of Limitations**. MBIA **opposes** the Act in its current version.

This bill authorizes a civil enforcement action brought by the Office of the Attorney General (OAG) to enforce the provisions of the Maryland Antitrust Act to be instituted at any time and specifies that a civil enforcement action brought by OAG is exempt from the one-year statute of limitations under § 5-107 of the Courts and Judicial Proceedings Article for prosecutions or suits for a fine, penalty, or forfeiture. The removal of these statutes of limitations poses a significant threat to our industry and the businesses we represent. By allowing civil enforcement actions to be initiated at any time and exempting them from existing statutes of limitations, this bill opens the door to continuous or indefinite scrutiny over alleged violations that may have occurred many years ago. This indefinite exposure to potential enforcement actions places an unjust burden on our members, who could find themselves facing legal challenges and regulatory scrutiny long after the alleged violations took place. Such prolonged enforcement actions can damage a business' reputation and have the potential to drive-up costs for our industry.

For these reasons, MBIA respectfully urges the Committee to give this measure **an unfavorable** report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or [lgraf@marylandbuilders.org](mailto:lgraf@marylandbuilders.org).

cc: Members of the Senate Judicial Proceedings Committee