

HOUSE BILL 1073

M3

4lr2717

By: **Delegates McMillan, Haddaway–Ricchio, and Vitale**

Introduced and read first time: February 6, 2014

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2014

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of establishing a statute of limitations for an action for
4 administrative penalties for certain violations of certain laws relating to the
5 environment; providing that this Act may not be construed as limiting certain
6 authority of the Department of the Environment to issue administrative orders
7 or seek injunctive relief for certain violations; and generally relating to laws
8 relating to the environment.

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

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

16 **Article – Environment**

17 1–303.

18 (a) A criminal prosecution ~~for~~, ~~a~~ suit for a civil penalty, ~~OR AN ACTION~~
19 ~~FOR AN ADMINISTRATIVE PENALTY~~ by the Department for violation of any provision
20 of this article or any rule, regulation, order, or permit adopted or issued under this

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 article, shall be instituted within 3 years after the date the Department knew or
2 reasonably should have known of the violation.

3 (B) AN ACTION FOR AN ADMINISTRATIVE PENALTY BY THE
4 DEPARTMENT FOR VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY
5 RULE, REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED UNDER THIS
6 ARTICLE, SHALL BE INSTITUTED WITHIN 5 YEARS AFTER THE DATE THE
7 DEPARTMENT KNEW OR REASONABLY SHOULD HAVE KNOWN OF THE
8 VIOLATION.

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
16 construed as limiting the authority of the Department of the Environment to issue
17 administrative orders or seek injunctive relief for any violation of any provision of the
18 Environment Article.

19 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.