

SENATE BILL 451

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2lr1684

By: **Senator Smith**

Introduced and read first time: January 27, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Unlawful Employment Practice – Statute of Limitations – Tolling**

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

7 BY repealing and reenacting, with amendments,
8 Article – State Government
9 Section 20–1013
10 Annotated Code of Maryland
11 (2021 Replacement Volume)

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

14 **Article – State Government**

15 20–1013.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 negotiations or mediation.

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