

SENATE BILL 785

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4lr3169
CF 4lr2731

By: **Senator McKay**

Introduced and read first time: February 1, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Nuisance – Common Carriers – Damage to Public Infrastructure**

3 FOR the purpose of prohibiting certain common carriers from damaging certain public
4 infrastructure necessitating the closure of the infrastructure; establishing that a
5 violation of this Act is a public nuisance; authorizing the Attorney General or a
6 State’s Attorney to bring a civil action against a common carrier for a violation under
7 this Act; and generally relating to public nuisance actions against common carriers.

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 3–2301 and 3–2302 to be under the new subtitle “Subtitle 23. Public
11 Nuisance Caused by Common Carriers”

12 Annotated Code of Maryland

13 (2020 Replacement Volume and 2023 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 **SUBTITLE 23. PUBLIC NUISANCE CAUSED BY COMMON CARRIERS.**

18 **3–2301.**

19 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (B) (1) “COMMON CARRIER” MEANS A PERSON THAT IS ENGAGED IN THE
22 PUBLIC TRANSPORTATION OF PERSONS FOR HIRE BY LAND.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “COMMON CARRIER” INCLUDES:**

2 **(I) A CAR COMPANY, A MOTOR VEHICLE COMPANY, AN**
3 **AUTOMOBILE COMPANY, OR A MOTOR BUS COMPANY;**

4 **(II) A RAILROAD COMPANY, STREET RAILROAD COMPANY, OR**
5 **SLEEPING CAR COMPANY;**

6 **(III) A TAXICAB COMPANY;**

7 **(IV) A TRANSIT COMPANY; AND**

8 **(V) A TRANSPORTATION NETWORK COMPANY.**

9 **(3) “COMMON CARRIER” DOES NOT INCLUDE ANY ENTITY OWNED BY**
10 **THE STATE OR A LOCAL GOVERNMENT.**

11 **(C) “PUBLIC INFRASTRUCTURE” MEANS A BRIDGE OR HIGHWAY OWNED,**
12 **CONTROLLED, OR MAINTAINED BY THE STATE OR A COUNTY OR MUNICIPAL**
13 **GOVERNMENT.**

14 **3-2302.**

15 **(A) (1) A COMMON CARRIER OR AN EMPLOYEE OF THE COMMON CARRIER**
16 **MAY NOT CAUSE DAMAGE TO PUBLIC INFRASTRUCTURE THAT NECESSITATES THE**
17 **CLOSURE OF THE PUBLIC INFRASTRUCTURE.**

18 **(2) A VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION IS A**
19 **PUBLIC NUISANCE.**

20 **(B) AN ACTION AGAINST A COMMON CARRIER FOR A PUBLIC NUISANCE**
21 **CAUSED BY A VIOLATION OF THIS SECTION MAY BE BROUGHT BY THE FOLLOWING:**

22 **(1) FOR PUBLIC INFRASTRUCTURE OWNED, CONTROLLED, OR**
23 **MAINTAINED BY THE STATE, THE ATTORNEY GENERAL; OR**

24 **(2) FOR PUBLIC INFRASTRUCTURE OWNED, CONTROLLED, OR**
25 **MAINTAINED BY A LOCAL GOVERNMENT, THE STATE’S ATTORNEY FOR THE COUNTY**
26 **IN WHICH THE INFRASTRUCTURE IS LOCATED.**

27 **(C) (1) IN AN ACTION BROUGHT UNDER THIS SECTION, THE ATTORNEY**
28 **GENERAL OR STATE’S ATTORNEY MAY SEEK:**

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(I) INJUNCTIVE RELIEF;

(II) DECLARATORY RELIEF; AND

(III) COMPENSATORY DAMAGES FOR THE COST OF THE REPAIR OR REPLACEMENT OF THE AFFECTED INFRASTRUCTURE.

(2) IN ADDITION TO ANY RELIEF GRANTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, A COMMON CARRIER THAT VIOLATES SUBSECTION (A) OF THIS SECTION IS LIABLE TO THE STATE OR LOCAL GOVERNMENT FOR CIVIL PENALTIES OF \$1,000 PER DAY FOR EACH DAY THE PUBLIC NUISANCE CONTINUES UNTIL THE PUBLIC INFRASTRUCTURE IS SUFFICIENTLY REPAIRED FOR PUBLIC USE OR IS REPLACED.

(D) THE ATTORNEY GENERAL OR A STATE'S ATTORNEY MAY FILE AN ACTION AGAINST A COMMON CARRIER UNDER THIS SECTION AT ANY TIME FOLLOWING THE VIOLATION GIVING RISE TO THE CAUSE OF ACTION AND UNTIL THE PUBLIC INFRASTRUCTURE IS SUFFICIENTLY REPAIRED FOR PUBLIC USE OR IS REPLACED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.