

The Members of the MD Underground Facilities Damage Prevention Authority voted on June 7, 2021 to delay utilizing the new civil penalties standards due to the hardships many companies have faced as a result of the Covid-19 pandemic. Any NPV filed between March 12, 2021 and July 1, 2021 will be assessed using the 2010 fining standards. (See Below). July 1, 2021 was chosen because it is the day that the Governor of Maryland lifted the “state of emergency”

Law Effective March 12, 2021

Existing 2010 Law

<p>§12-135 (a) (1-2) Civil Penalties</p> <p>a) (1) A person that performs an excavation or demolition without first providing the notice required under § 12–124(a) of this subtitle is deemed negligent and is subject to a civil penalty assessed by the Authority.</p> <p>(2) the authority shall calculate the civil penalty considering:</p> <p>(i) the severity of the violation;</p> <p>(ii) the intent and good faith of the violator; and (iii) the past history of violations.</p> <p>(3) the civil penalty may not exceed:</p> <p>(i) \$2,000 for the first offense; and (ii) \$4,000 for each subsequent offense.</p> <p>Note: §(a)(2) was removed and replaced with new language which incorporates the standards the Authority must consider when assessing a civil penalty (<i>Reliable Contracting v. MD Underground Facilities Damage Prevention Authority</i>) Now any subsequent violation, not just failure to call Miss Utility is subject to a \$4000 fine.</p>	<p>(a) (1) A person that performs an excavation or demolition without first providing the notice required under §12–124(a) of this subtitle and damages, dislocates, or disturbs an underground facility is deemed negligent and is subject to a civil penalty assessed by the Authority not exceeding:</p> <p>(i) \$2,000 for the first offense; and (ii) subject to subsection (c) of this section, \$4,000 for each subsequent offense.</p> <p>(2) Instead of or in addition to a civil penalty assessed under this subsection, the Authority may: (i) require that a person: 1. participate in damage prevention training; or 2. implement procedures to mitigate the likelihood of damage to underground facilities; or (ii) impose other similar measures. (3) A person that violates any provision of Part IV of this subtitle is subject to a civil penalty assessed by the Authority not exceeding \$ 2000:</p>
<p>§12-135(4) Civil Penalties</p> <p>(4) a person that violates any other provision of part IV of this subtitle is subject to a civil penalty assessed by the authority not exceeding: (i) \$2,000 for the first offense; and (ii) \$4,000 for each subsequent offense.</p> <p>Note: This language broadens the levels of civil penalty assessments.</p>	<p>(3) A person that violates any provision of Part IV of this subtitle is subject to a civil penalty assessed by the Authority not exceeding \$ 2000:</p>