

MAJOR TITLE XII CHANGES – EFFECTIVE MARCH 12, 2021

Disclaimer: As a public service, the Authority is providing a summary of the changes in Title XII “Miss Utility” law. By highlighting what appears to be changed, the Authority is attempting to provide the most current version of the law, whether before the General Assembly or enacted, and is expressly disclaiming any actual or implied interpretation of any changes. The Authority is not providing legal advice and, for questions, would direct any reader to legal counsel of their own choosing. These changes are highlighted in **Yellow**.

Subsection (§)	New Language	Original Language	IMPACT
§12-101 Definitions added	Clear Evidence; Contract Locator; Cross-bore; Damage; Detectable Underground Facility; Emergency; Excavator; Extent of Work; Locatable Underground Facility; Mark; Primary Contractor; Temporary Excavator; Trenchless Technology	N/A	See specific subsections (§) or refer to §12-101 – Definitions section in SB877 or Chapter 18
§12-101(D)(2) Excavation Definition Change	“Excavation” includes grading, trenching, digging, ditching, dredging, drilling, boring, augering, tunnelling, scraping, cable or pipe plowing, <b>pipe bursting</b> , and driving a mass of material.	“Excavation” includes grading, trenching, digging, ditching, dredging, drilling, boring, augering, tunnelling, scraping, cable or pipe plowing and driving a mass of material.	Pipe Bursting was added to the Excavation Definition
§12-100(BB) (1-3) Underground Facilities Definition Change	(1) “Underground facility” means <b>an item</b> that is buried, <b>placed below ground</b> , or submerged for <b>use in connection with</b> : (i) storage or conveyance of water, sewage, oil, gas, or other substances; or (ii) transmission or conveyance of <b>telecommunications, cable television</b> or electricity. (2) “Underground facility” includes pipes, sewers, <b>combination storm/sanitary sewer systems, geothermal</b> , conduits, cables, valves, lines, wires, manholes, <b>and</b> attachments (3) “Underground facility” does not include a stormwater storm drain.	(1) “Underground facility” means personal property that is buried, or submerged for (i) use in connection with the storage or conveyance of water, sewage, oil, gas, or other substances; or (ii) transmission or conveyance of electronic, telephonic, or telegraphic communications or electricity. (2) “Underground facility” includes pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those portions of poles below ground. (3) “Underground facility” does not include a stormwater drain.	Clarifies what an underground facility is and adds new systems deemed as “underground facilities”
§12-103 Homeowner Exemption Change	This subtitle <b>does not apply to an excavation not more than 6 inches in depth</b> or demolition performed or to be performed by an owner or lessee of a private residence when the excavation or demolition is performed or to be performed: (1) entirely on the land on which the private residence of the owner or lessee is located; and (2) without the use of machinery.	This subtitle does not apply to an excavation or demolition performed or to be performed by an owner or lessee of a private residence when the excavation or demolition is performed or to be performed: (1) entirely on the land on which the private residence of the owner or lessee is located; and (2) without the use of machinery.	Adds the requirement that homeowners call the One-call Center if they plan to dig deeper than 6 inches by hand on their own property.

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<p>§12-104 (A-C) <i>(New Section)</i></p> <p>Detectable or Locatable Underground Facilities requirements</p>	<p>A) this section applies to:                      (1) complete replacement of an existing underground facility; (2) underground storm drain systems and applicable devices; and (3) an existing previously detectable underground facility or locatable underground facility.                      (b) except as otherwise provided in § 12–129 of this subtitle, on or after October 1, 2021, all newly installed underground facilities shall be detectable or locatable.                      (c) not later than October 1, 2021, any previously detectable underground facility or underground facility must be restored to be detectable or locatable.</p>	<p>This is a NEW subsection</p>	<p>After October 1, 2021 all new underground facilities including storm drains will have to be either locatable using maps or similar means or detectable using electronic signals etc. Any previously detectable facility must be restored to be either detectable or locatable. This would include the complete replacement of an underground Facility.</p>
<p>§12-107(c) (2-3) Composition of the Authority</p>	<p>“... (2) a member shall reside in the state more than 6 months each year.                      (3) for the stakeholder members appointed under subsection (b)(1) through (7) of this section:                      (i) the member’s primary business, employment, or membership determines the entity that the member is appointed to represent; and                      (ii) an organization, a facility owner, or any other entity may not hold more than one seat on the authority.”</p>	<p>This language was added to the original subsection.</p>	<p>Clarifies membership requirements and exclusions, including residency.</p>
<p>§12-107(f) (1-4) Appointment &amp; Replacement of Authority Members</p>	<p>... (f) (1) any organization, facility owner, or entity possessing a seat on the authority whose term is due to expire or be vacated shall: (i) designate a replacement for its representative; and (ii) if reasonable, initiate the nomination process with the governor’s appointments office at least 60 days before the known expiration, removal, or resignation of its representative. (2) if the organization, facility owner, or entity fails to comply with the replacement process under paragraph (1) of this subsection, the authority shall: (i) conduct a search for a replacement nominee from the organization, facility owner, or entity having the vacancy on the authority; and (ii) follow the nomination process provided by the governor’s appointments office.                      (3) if the organization, facility owner, or entity having the vacancy subsequently fails to provide a nominee within the required time for a second time, the authority may: (i) remove the organization, facility owner, or entity representation from the authority; and (ii) replace the organization, facility owner, or entity having a vacancy on the authority with a comparable organization, facility owner, or entity.</p>	<p>This language was added to the original subsection.</p>	<p>Requires members who leave before their term expires to initiate a replacement with their stakeholder group. If the group does not provide a replacement w/in a specified period, the Authority can appoint a person who is representative of that person’s group. Also provides for an unexpected vacancy and can remove the appointment authority from an entity if they fail to comply under certain circumstances.</p>

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	<p>(4) in the case of a sudden or unexpected vacancy, the organization, facility owner, or entity shall provide a nomination to the governor's appointments office within 60 days after the vacancy occurs.</p> <p>Intentionally left blank</p>		
§12-111 Authority Funding	<p>(a) The Authority may obtain funding for its operational expenses from:                      (1) a federal or State grant; (2) filing fees and administrative fees for complaints heard by the Authority as authorized under § 12-112(C)(1) of this subtitle, including: (i) mailing costs; (ii) fees for delivery or service of process; (iii) reproduction costs; and (iv) labor staff costs associated with the complaint;</p>	<p>(a) The Authority may obtain funding for its operational expenses from:                      (1) a federal or State grant; (2) filing fees and administrative fees for complaints heard by the Authority as authorized under § 12-112(C)(1) of this subtitle...</p>	<p>Clarifies what type of Authority activity costs may be assessed to a violator in excess of a civil penalty.</p>
§12-112 Enforcement Actions	<p>To enforce this subtitle, the Authority:                      (1) shall accept and review complaints for violations of this subtitle; and (2) may recommend necessary enforcement actions.                      (b) (1) the authority shall: (i) hear complaints for violations of this subtitle:                      1. At the request of a probable violator; or                      2. After notifying a probable violator that the authority has scheduled a hearing on its own motion; and (ii) after a hearing, assess a civil penalty under § 12-135 of this subtitle (2) the authority may reach a settlement instead of assessing a civil penalty. (3) if a probable violator fails to appear at a scheduled hearing, the authority may vote to proceed to hear the complaint against the probable violator in the absence of the probable violator.</p>	<p>To enforce this subtitle, the Authority may:                      (1) (i) hear complaints for violations of this subtitle:                      (ii) after a hearing, assess a civil penalty under § 12-135 of this subtitle; and                      (3) reach a settlement instead of assessing a civil penalty.</p>	<p>Codifies the Authority's ability to initiate hearing on Probable Violations and also allows the Authority to proceed with a hearing if the Probable violator fails to show up.</p>
§12-117(f)(1) Education & Outreach Fund	<p>(f) (1) The Fund may be used only for:                      (i) public education and outreach programs for the prevention of damage to underground facilities; (ii) the development of safety procedures for excavation and demolition projects conducted in the area of underground facilities; and (iii) with the consent of the authority members, covering an unexpected shortfall in the operational account of the authority.</p>	<p>(f) (1) The Fund may be used only for: (i) public education and outreach programs for the prevention of damage to underground facilities; and (ii) the development of safety procedures for excavation and demolition projects conducted in the area of underground facilities</p>	<p>Allows the Authority with the consent of the members to utilize encumbered E&amp;O funds should there be a shortfall in the Operational Account.</p>

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§12-121(a)(1) Emergencies Clarification	<p>Intentionally left blank</p> <p>(a)(1) This section applies to any action taken to address an emergency from the time the emergency arises until a standard ticket is initiated and valid under § 12-124 of this subtitle, including any work associated with stopping or mitigating the emergency.</p> <p>(2) Subject to § 12-120(b) of this subtitle, if all reasonable precautions have been taken to protect underground facilities, § 12-120(a) of this subtitle and §§ 12-122 through 12-135 of this subtitle do not apply to an emergency excavation or demolition being performed to prevent danger to life, health, or property (b) A Primary Contractor or a person performing an emergency excavation or demolition to prevent or mitigate loss or injury to life, health, property, or essential public service shall: (1) identify the location and extent of work, as stated in § 12-124(b)(1) of this subtitle, in a clear and concise manner;...</p>	<p>(a)1) Subject to § 12-120(b) of this subtitle, if all reasonable precautions have been taken to protect underground facilities, § 12-120(a) of this subtitle and §§ 12-122 through 12-135 of this subtitle do not apply to an emergency excavation or demolition being performed to prevent danger to life, health, or property (b) A person performing an emergency excavation or demolition to prevent danger to life, health, or property, shall: (1) take all reasonable precautions to protect underground facilities in and near the excavation or demolition area; and (2)...</p>	<p>Specifies the duration of an emergency, clarifies what constitutes an emergency, adds a requirement that the ticket request must identify the exact location of the emergency and the “extent of work” in a clear and concise manner.</p>
§12-121(c)(1) Emergencies - Owners responsibilities  Cont'd... Emergencies Owner’s responsibilities	<p>(1) the owner–member or its contract locator shall: (i) respond to an emergency notice as soon as possible but not later than 2 hours from the transmission of the ticket from the one–call center; and (ii) except for circumstances beyond an owner–member’s or contract locator’s control and for municipal corporations, considering the hours of operation and availability of employees: 1. Begin the locating process to mark their respective underground facility or facilities within 3 hours after the transmission of the ticket; or 2. If the facility owner has no underground facilities within the delineated excavation area, clear the ticket within 3 hours after the transmission of the ticket.</p>	<p>This language was added to the original subsection.</p> <p>This language was added to the original subsection.</p>	<p>There must be a response by the facility owner or its agent within 2 hours of the notification unless there are special circumstances. Locates must commence within 3 hours of the transmission.</p> <p>If there are no underground facilities, the owner or its agent must clear the ticket within 3 hours.</p>
§12-121 (c)(2)	<p>(2) the person responsible for the excavation shall be on site or in communication with the owner–member, their contract locator, or their representative within 3 hours after the transmission of the ticket by the one–call center, or a mutually agreed response time; and</p>	<p>This language was added to the original subsection.</p>	<p>The excavator must either be on site or in communication with the owner or its agent within 3 hours or a mutually agreed upon time. The call center must</p>

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Owners & Excavator's Responsibilities	(3) the owner–member or its contract locator shall respond to the underground facilities information exchange system as soon as: (i) the extent of work is marked; or (ii) it is determined that no underground facilities are in the delineated area.		be notified as soon as the specified area is marked or there are no underground facilities.
§12-124(a)  Temporary Excavator	Before performing excavation or demolition in the state, A person: (1) shall initiate a ticket request by notifying the one–call system serving the geographic area where the excavation or demolition is to be performed; and (2) may add a temporary excavator to an existing ticket. ... ..And (4) the correct name of and contact information for the temporary excavator, if any, performing work under the ticket. ...	A person that intends to perform an excavation or demolition in the State: (1) shall initiate a ticket request by notifying the one–call system serving the geographic area where the excavation or demolition is to be performed of the person's intent to perform the excavation or demolition; (b) Notice provided to a one–call system under subsection (a) of this section shall indicate: (1) the location of the proposed excavation or demolition:..	This new language allows a Primary Contractor to hire a temporary excavator (see §12-101 – definitions) and add them to an existing ticket under certain circumstances.
§12-125 (a)(1) Repeat Notification  Cont'd Repeat Notification	...time period authorized by the ticket; (2) expands the excavation or demolition beyond the location indicated in the notice under § 12–124(b) of this subtitle; or (3) adds a temporary excavator to the ticket.  (b) if a person discovers that a mark is obliterated, destroyed, or removed, or observes a visible indication that an underground facility or structure is not marked as required under § 12–126 of this subtitle, the person shall notify the call center to request that all or part of the current scope of work of a valid ticket be re-marked. (D) any re–marking made after a notification provided under this section shall comply with the requirements of § 12–126 of this subtitle.	...time period authorized by the ticket; or (2) intends to expand the excavation or demolition beyond the location indicated in the notice under § 12–124(b) of this subtitle; ...  This language was added to the original subsection.	This section of Repeat notification allows for a temporary excavator to be added to an existing ticket, not just a change in the scope of work.  This new section now requires that an excavator must call for a re-mark if the marks are obliterated or there is clear evidence that is not marked.

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§12-126 (a) Duties of Owners/Locators	(a) An owner–member <b>or its contract locator</b> shall mark its underground facility a proposed excavation or demolition <b>that is specified in the extent of work contained in the ticket:</b> ...	(a) An owner–member shall mark its underground facility if the owner–member has determined that a proposed excavation or demolition...	The changes to this section are essentially clarification of existing law and a change in what a locator is referred to in the law.
§12-127(a) Duties of Excavator	Intentionally left blank  (a) A person <b>that intends to perform excavation or demolition</b> may begin excavation or demolition activity only after the person receives notification from the underground facilities information exchange system of the one–call system confirming that all applicable owner–members <b>or their contract locators</b> have:	(a) A person may begin excavation or demolition only after the person receives notification from the underground facilities information exchange system of the one–call system confirming that all applicable owner–members have:..	Clarification of when work can begin.
Cont'd Duties of Excavator	(b)(2)(i) shall repeat the notification required under § 12–124 § 12–125 of this subtitle; <b>but</b> (ii) <b>May not in any manner replace or repair the mark.</b> (c) (1) A person performing excavation or demolition or supervising a temporary excavator shall have a copy of the ticket issued by a one–call system available, <b>by any means, on the site of the activity for the duration of the ticket.</b> (2) A person performing an excavation or demolition shall exercise due care to avoid interference with or damage to an underground facility: (i) that an owner–member <b>or its contract locator</b> has marked in accordance with § 12–126 of this subtitle; or (ii) <b>where clear evidence of an unmarked underground facility exists.</b> (3) before using mechanized...	(b)(2)(i) shall repeat the notification required under § 12–124 § 12–125 of this subtitle; (2) A person performing an excavation or demolition shall exercise due care to avoid interference with or damage to an underground facility: (i)that an owner–member has marked in accordance with § 12–126 of this subtitle; (2) Before using mechanized...	New to the law: <ul style="list-style-type: none"> <li>• An excavator cannot replace or repair marks.</li> <li>• A copy of the ticket must be available on site at all times. (Paper or digital)</li> <li>• Knowledge of Clear Evidence has been added to exercising “due Care” section.</li> </ul>
Cont'd Duties of Excavator - Trenchless Technology	(4) when utilizing a trenchless technology method, to prevent the occurrence of a cross–bore, a person shall expose by nondestructive techniques intersecting underground facilities to the depth of the excavation plus 18 inches in the path of the trenchless technology operation <b>during the entire trenchless installation operation.</b>	<b>This language was added to the original subsection.</b>	<ul style="list-style-type: none"> <li>• Makes clear that continuous pot holing must be done when using this technology.</li> </ul>

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Duties of Excavator - Tolerance Zone	<p>(5) A person may not use mechanized equipment to excavate within 18 inches of the outermost surface of an exposed underground facility. (d) (1) The person performing an excavation or demolition shall promptly report to the owner–member of the facility if the person discovers or causes any damage to or dislocation or disturbance of an underground facility in connection with the excavation or demolition...</p>	<p>(3) A person may not use mechanized equipment to excavate within 18 inches of the outermost surface of an exposed underground facility. (d) (1) The person performing an excavation or demolition shall notify the owner–member of the facility if the person discovers or causes any damage to or dislocation or disturbance of an underground facility in connection with the excavation or demolition...</p>	<ul style="list-style-type: none"> <li>Reaffirms that the tolerance zone is still 18 inches. Puts more emphasis on reporting either found damages or new damages etc.</li> </ul>
§12-129 Detectable And Locatable	<p>(a) Subject to subsection (c) of this section, any new or replacement piping that is buried or installed for the purposes of connecting a building to a water supply system, a sewerage system, an underground storm drain system, or any other applicable device shall be buried or installed with a wire or an equivalent product or technology that makes the piping detectable or locatable. (b) any wire used to comply with subsection (a) of this section shall:</p>	<p>(a) Subject to subsection (c) of this section, any new or replacement piping that is buried or installed for the purpose of connecting a building to a water supply system or, a sewerage system, shall be buried or installed with a wire that makes the piping detectable (b) The wire required under subsection (a) of this section shall:</p>	<p>This is an expansion of the “detectable “wire section, which now has expanded to storm drains. The means can either be by wires or similar detectable technology or the use of plans, as-builts etc. to allows them to be “Locatable”</p>
§12-130 (New Section) Primary Contractor/ Temporary Excavator	<p>(a) (1) this section applies to a primary contractor that: (i) performs the excavation duties for the duration of a ticket; (ii) initiates the notification to the one–call system to establish a ticket; (iii) is on site to supervise all activities and employees; and (iv) intends to utilize services or equipment of a temporary excavator. (2) for purposes of this section, a primary contractor does not include a private homeowner that intends to hire a temporary excavator. (b) a primary contractor: (1) shall: (i) notify the one–call system when a temporary excavator is to begin work under the ticket; (ii) inform the temporary excavator of the exact scope of work as detailed on the existing ticket; (iii) directly supervise the on–site activities of the temporary excavator; and (iv) assume all liability if damage should occur to an underground facility by any person named as a temporary excavator on the existing ticket; and (2) may name only one temporary excavator for the duration of the ticket.</p>	<p>This is a NEW subsection</p>	<p>This new section allows a contractor to add an excavator to an existing ticket for a limited amount of time. It is intended to assist when an emergency arises or other circumstances which could require a piece of rental equipment or other expertise. The hiring contractor must be on site to supervise the excavator and must assume any liability if a damage occurs.</p>

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<p>Cont'd Primary Contractor/ Temporary Excavator</p>	<p>(c) (1) a temporary excavator may be: (i) a piece of rental equipment and its operator; (ii) an excavation contractor that is not an employee of the primary contactor; or (iii) an equipment operator that is not a direct employee of the primary contractor. (2) the designated temporary excavator shall notify the one-call system with the associated ticket number to verify that the excavator has been hired to work for the primary contractor.</p>	<p>This is a NEW subsection</p>	<p>This section clearly defines who or what a “temporary excavator” can be.</p>
<p>Part V §12-131 “Nonexcavation” Tickets (formerly “Designer Tickets”)</p>	<p>(a) In connection with a project that may require excavation or demolition, a person may initiate a nonexcavation designer ticket request by notifying the one-call system serving the geographic area covering the planned project in accordance with this section.  (b) (1) in connection with a project that may require excavation or demolition, a person initiating a nonexcavation designer ticket request under this section: (i) may initiate only one ticket request for a single project by notifying the one-call system serving the geographic area covering the planned project; and (ii) shall, in connection with a nonexcavation designer ticket request: 1. indicate that the request is for design purposes only and may not be used for the purpose of excavation or demolition; 2. notify the one-call system of any owner-members from which the person does not require underground facilities information; and 3. on the request of an owner-member, provide the owner-member with a preliminary drawing that indicates the scope of the project. (2) the one-call system shall provide the person requesting a nonexcavation designer ticket an accurate means of contact for each underground facility within 2 business days. (3) each underground facility owner shall maintain current valid contact information with the one-call system for persons to contact. c) (1) Within 15 business days after receiving notice from a one-call system that a person has made a request under this section, an owner-member of an underground facility in</p>	<p>(a) In connection with a project that may require excavation or demolition, a designer may initiate a ticket request by notifying the one-call system serving the geographic area covering the planned project (b) A designer initiating a ticket request under this section: (1) may initiate only one ticket request for a single project; and (2) shall, in connection with a ticket request: (i) indicate that the request is for design purposes only and may not be used for the purpose of excavation or demolition; (ii) notify the one-call system of any owner-members from which the designer does not require underground facilities information; and (iii) on the request of an owner-member, provide the owner-member with a preliminary drawing that indicates the scope of the project.  (c) (1) Within 15 business days after receiving notice from a one-call system that a designer has made a request under this section, an owner-member of an underground facility in the area of the project shall notify the designer of the type and approximate location of the underground facility. (2) An owner-member may provide notice of the approximate location of an underground facility through the use of: (i) field locates; (ii) maps; (iii) surveys; (iv) installation records; or (v) other similar means.</p>	<p>The Designer Ticket Section has been rewritten and renamed so as to broaden its application to functions other than planning and design. Including but not limited to notification of a suspected cross-bore.</p>



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	the area of the project shall notify the <b>person</b> of the type and approximate location of the underground facility.		
Cont'd §12-131 Nonexcavation Tickets	Intentionally left blank  <b>(D) in the case of an obstruction caused by a suspected cross-bore: (1) the person intending to remove the obstruction shall notify the one-call center and request a nonexcavation ticket for a suspected cross-bore which will be transmitted to all pertinent owner-members in the geographic area indicated for that ticket; and (2) each owner-member shall take whatever action it considers necessary to respond to this notification. (E) (1) Information provided to a person requesting marking under this section is for informational purposes only. (2) An owner-member or agent of an owner-member may not be held liable for any inaccurate information provided to a person under this section.</b>	<b>This language was added to the original subsection.</b>  d) (1) Information provided to a designer under this section is for informational purposes only. (2) An owner-member or agent of an owner-member may not be held liable for any inaccurate information provided to a designer under this section.	Example: If a plumber is called to unclog a sewer system and suspects that a “cross-bore” maybe the case of the problem. A nonexcavation ticket may be used to alert the facility owner of the problem, prompting its locating services to mark the suspected facility.
§12-135 (a)(1-2) Civil Penalties	(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.  <b>(2) the authority shall calculate the civil penalty considering:</b> <b>(i) the severity of the violation;</b> <b>(ii) the intent and good faith of the violator; and</b> <b>(iii) the past history of violations.</b>  <b>(3) the civil penalty may not exceed:</b> <b>(i) \$2,000 for the first offense; and</b> <b>(ii) \$4,000 for each subsequent offense.</b>	(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: (i) \$2,000 for the first offense; and (ii) subject to subsection (c) of this section, \$4,000 for each subsequent offense. (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:	§(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.

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<p>§12-135(4) Civil Penalties</p> <p>§12-135(5)(i) Statute of Limitations</p> <p>§12-135(i)(1-2) Unresolved Cases</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>(5) (i) for purposes of paragraphs (3)(ii) and (4)(ii) of this subsection, the authority may not consider an offense to be a subsequent offense if the offense occurred at least 3 years after the earlier offense unless:</p> <p>1. the earlier offense is unresolved, regardless of the age of the earlier offense; or</p> <p>2. the person has not met the conditions of an assessed penalty within the time period prescribed.</p> <p>(ii) in the case of an unresolved earlier offense or a failure to meet the conditions under subparagraph (i) of this paragraph, the authority may assess up to double the maximum civil penalty for each violation.</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> <p>This language was added to the original subsection.</p>	<p>This language broadens the levels of civil penalty assessments.</p> <p>There is now a statute of limitations for subsequent violations. After three years if a case is closed it cannot be used as evidence in a subsequent violation.</p> <p>If a probable violator has another violation within the 3-year period or after the 3year period and has a previous case that unresolved for lack of fine payment or failure to complete damage prevention training is deemed Closed/Incomplete. The case may be reopened and used in evidence when assessing previous history etc.</p>
<p>§12-135(6) Civil Penalties Failure to Appear</p>	<p>(6) a person that fails to appear before the authority without cause, after proper notification of a scheduled hearing, may be subject to a \$200 fine in addition to any civil penalty assessed by the authority.</p>	<p>This language was added to the original subsection.</p>	<p>A person who fails to appear for a scheduled hearing is now subject to a \$200 fine.</p>

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§12-135(7) Civil Penalties Emergency Ticket Abuse	(7) a person that files an emergency ticket that does not meet the definition of emergency under § 12-101 of this subtitle may be subject to the maximum penalties available under this subsection	This language was added to the original subsection.	Anyone found to have abused the Emergency ticket system can now be fined up to the maximum allowable civil penalty (\$4000).