

cannot be obtained; requiring the Administration to reimburse for damages; and generally relating to entry on private property.

BY adding to

Article - Real Property
Section 12-111(g)
Annotated Code of Maryland
(1974 Volume and 1980 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article - Real Property

12-111.

(G) THE STATE HIGHWAY ADMINISTRATION, ITS AGENTS, EMPLOYEES, AND CONSULTANTS MAY ENTER UPON PRIVATE PROPERTY TO CONDUCT ENVIRONMENTAL AND ENGINEERING STUDIES, INCLUDING SOIL BORING AND EXCAVATION, NECESSARY TO DETERMINE THE SUITABILITY OF THE PROPERTY FOR ADMINISTRATION USE. ENTRY ONTO PRIVATE PROPERTY FOR THESE PURPOSES SHALL NOT BE UNDERTAKEN WITHOUT PRIOR CONSENT OF THE PROPERTY OWNER. IF, AFTER REAL AND BONA FIDE EFFORT, THE CONSENT OF THE PROPERTY OWNER CANNOT BE SECURED, THE ADMINISTRATION MAY APPLY TO A LAW OR EQUITY COURT WHERE THE PROPERTY OR ANY PART OF IT IS LOCATED FOR AN ORDER DIRECTING THAT ENTRY BE PERMITTED. "BONA FIDE EFFORT" SHALL INCLUDE EITHER 30 DAYS ADVANCE NOTICE IN WRITING BY CERTIFIED MAIL RETURN RECEIPT REQUESTED TO THE LAST KNOWN ADDRESS OF THE PROPERTY OWNER OR POSTING NOTICE ON THE PROPERTY NOT LESS THAN 30 DAYS IN ADVANCE, AND SUCH OTHER REQUIREMENTS AS THE COURT MAY DEEM APPROPRIATE. THE ADMINISTRATION, WHEN REMOVING, DISPLACING, BORING, OR EXCAVATING SOIL UNDER THE PROVISIONS OF THIS SECTION, SHALL REPLACE THE TOP SOIL IN A MANNER WHICH WILL APPROACH THE LEVEL OF COMPACTION AND CONTOUR AS WHEN REMOVED. THE ADMINISTRATION SHALL REIMBURSE THE LANDOWNER OR LESSEE WHO IS FARMING THE PROPERTY FOR AGRICULTURAL PRODUCTS DESTROYED OR DAMAGED BY ITS AGENTS, EMPLOYEES, OR CONSULTANTS. THE ADMINISTRATION SHALL BE RESPONSIBLE FOR ANY OTHER DAMAGES THAT MAY BE INCURRED AS A RESULT OF SUCH ENTRY ON PRIVATE PROPERTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1981.

Approved May 19, 1981.