

(B) MUNICIPALITY OR COUNTY AS A PARTY.

IN ANY PROCEEDING WHICH INVOLVES THE VALIDITY OF A MUNICIPAL OR COUNTY ORDINANCE OR FRANCHISE, THE MUNICIPALITY OR COUNTY SHALL BE MADE A PARTY AND IS ENTITLED TO BE HEARD.

(C) ROLE OF ATTORNEY GENERAL.

IF THE STATUTE, MUNICIPAL OR COUNTY ORDINANCE, OR FRANCHISE IS ALLEGED TO BE UNCONSTITUTIONAL, THE ATTORNEY GENERAL NEED NOT BE MADE A PARTY BUT, IMMEDIATELY AFTER SUIT HAS BEEN FILED, SHALL BE SERVED WITH A COPY OF THE PROCEEDINGS BY CERTIFIED MAIL. HE IS ENTITLED TO BE HEARD, SUBMIT HIS VIEWS IN WRITING WITHIN A TIME DEEMED REASONABLE BY THE COURT, OR SEEK INTERVENTION PURSUANT TO THE MARYLAND RULES.

REVISOR'S NOTE: This section is new language derived from Art. 31A, §11. Provisions of §11 are placed in three subsections for the purpose of clarity.

In subsection (a), (2), the phrase "except in a class action" is added. This exception is consistent with the representative character of class actions.

Subsection (c) is derived from the last provision of §11. The language of this provision is modified to reflect the present practice. See Maryland Rule 208.

SEC. 3-406. POWER TO CONSTRUE.

ANY PERSON INTERESTED UNDER A DEED, WILL, TRUST, WRITTEN CONTRACT, OR OTHER WRITING CONSTITUTING A CONTRACT, OR WHOSE RIGHTS, STATUS, OR OTHER LEGAL RELATIONS ARE AFFECTED BY A STATUTE, MUNICIPAL ORDINANCE, ADMINISTRATIVE RULE OR REGULATION, CONTRACT, OR FRANCHISE, MAY HAVE DETERMINED ANY QUESTION OF CONSTRUCTION OR VALIDITY, ARISING UNDER THE INSTRUMENT, STATUTE, ORDINANCE, ADMINISTRATIVE RULE OR REGULATION, CONTRACT, OR FRANCHISE AND OBTAIN A DECLARATION OF RIGHTS, STATUS, OR OTHER LEGAL RELATIONS UNDER IT.

REVISOR'S NOTE: This section presently appears as Art. 31A, §2.