

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

Article - Transportation

8-646.

(a) Except as permitted by this section or in accordance with a permit obtained from the Administration, a person may not:

- (1) Make an opening in any State highway;
- (2) Place any structure on any State highway;
- (3) Change or renew any structure placed on any State highway;
- (4) Dig up any State highway for any purpose, including the placement of pipes, sewers, poles, wires, or rails;
- (5) Plant or remove any tree on any State highway; or
- (6) Place any obstruction OR IMPROVEMENT on any State highway.

(b) (1) The Administration may issue a permit for work otherwise prohibited by subsection (a) of this section.

(2) Work done under the permit shall be performed to the satisfaction of the Administration and under its supervision.

(3) The person to whom the permit is issued or by whom the work is done shall pay the cost of replacing the highway in as good a condition as before the work was done.

(4) (I) THE ADMINISTRATION SHALL REQUIRE A NONGOVERNMENT APPLICANT FOR A PERMIT ISSUED UNDER THIS SUBSECTION WHO IS A DEVELOPER TO SUBMIT A PERFORMANCE BOND, LETTER OF CREDIT, OR OTHER SURETY ACCEPTABLE TO THE ADMINISTRATION.

(II) THE ADMINISTRATION SHALL REQUIRE A NONGOVERNMENT APPLICANT FOR A PERMIT ISSUED UNDER THIS SUBSECTION ~~WHO IS A PRIMARY CONTRACTOR~~ TO SUBMIT A PAYMENT BOND, LETTER OF CREDIT, OR OTHER SURETY ACCEPTABLE TO THE ADMINISTRATION IF:

- 1. THE AMOUNT OF THE IMPROVEMENT IS ESTIMATED TO EXCEED \$100,000;
- 2. THE PROJECT IS FINANCED, IN WHOLE OR IN PART, BY PRIVATE FUNDS; AND
- 3. THE ENTIRE IMPROVEMENT IS LOCATED OUTSIDE THE APPLICANT'S PROPERTY.

(c) The Administration may apply to the circuit court in the subdivision in which the violation occurred or is threatened for appropriate injunctive relief.