

Section 40, 41, and 42 to be under the new subtitle "Civil Actions – Violations of County Discrimination Laws"

Annotated Code of Maryland

(1991 Replacement Volume and 1991 Supplement)

Preamble

WHEREAS, On March 7, 1990 the Maryland Court of Appeals invalidated Section 27–20(a) of the Montgomery County Code, which was enacted in 1973 and provides for private causes of action for violations of certain County discrimination laws; and

WHEREAS, The Maryland Court of Appeals held in *McCrory Corp. v. Fowler* that the Express Powers Act did not provide adequate authority to create private causes of actions and that the creation of a new private cause of action has traditionally been the province of the General Assembly or the Court of Appeals; and

WHEREAS, The General Assembly believes that it is important to provide full protection of the law to its citizens and that allowing private causes of action for violations of certain county discrimination laws, under certain circumstances, is appropriate; now, therefore,

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

Article 49B – Human Relations Commission

CIVIL ACTIONS – VIOLATIONS OF COUNTY DISCRIMINATION LAWS

40.

THIS SUBTITLE APPLIES IN MONTGOMERY COUNTY.

41.

IN THIS SUBTITLE, "PREVAILING PARTY" HAS THE MEANING STATED IN 42 U.S.C. § 1988.

42.

(A) IN ACCORDANCE WITH THIS SUBTITLE, A PERSON WHO IS SUBJECTED TO AN ACT OF DISCRIMINATION PROHIBITED BY THE MONTGOMERY COUNTY CODE MAY BRING AND MAINTAIN A CIVIL ACTION AGAINST THE PERSON WHO COMMITTED THE ALLEGED DISCRIMINATORY ACT FOR DAMAGES, INJUNCTIVE RELIEF, OR OTHER CIVIL RELIEF.

(B) (1) AN ACTION UNDER SUBSECTION (A) OF THIS SECTION SHALL BE COMMENCED IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY NOT LATER THAN 2 YEARS AFTER THE OCCURRENCE OF THE ALLEGED DISCRIMINATORY ACT.