

**§242. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms shall have the following meanings. [PL 1979, c. 541, Pt. A, §158 (AMD).]

**1. Average annual net earnings.**

[PL 1989, c. 208, §§4, 21 (RP).]

**2. Business.** "Business" shall mean any lawful activity, excepting a farm operation conducted primarily:

A. For the purchase, sale, lease and rental of personal and real property and for the manufacture, processing or marketing of products, commodities or any other personal property; [PL 1971, c. 333, §1 (NEW).]

B. For the sale of services to the public; or [PL 1971, c. 333, §1 (NEW).]

C. By a nonprofit organization; or [PL 1971, c. 333, §1 (NEW).]

D. Solely for the purposes of section 244, for assisting in the purchase, sale, resale, manufacture, processing or marketing of products, commodities, personal property or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted. [PL 1971, c. 333, §1 (NEW).]

[PL 1971, c. 333, §1 (NEW).]

**2-A. Comparable replacement dwelling.** "Comparable replacement dwelling" means any dwelling that is:

A. Decent, safe and sanitary; [PL 1989, c. 208, §§5, 21 (NEW).]

B. Adequate in size to accommodate the occupants; [PL 1989, c. 208, §§5, 21 (NEW).]

C. Within the financial means of the displaced person; [PL 1989, c. 208, §§5, 21 (NEW).]

D. Functionally equivalent to the displacement dwelling; [PL 1989, c. 208, §§5, 21 (NEW).]

E. In an area not subject to unreasonably adverse environmental conditions; and [PL 1989, c. 208, §§5, 21 (NEW).]

F. In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services, and the displaced person's place of employment. [PL 1989, c. 208, §§5, 21 (NEW).]

[PL 1989, c. 208, §§5, 21 (NEW).]

**2-B. Department.** "Department" means the Department of Transportation.

[PL 1989, c. 208, §§5, 21 (NEW).]

**3. Displaced person.** "Displaced person" is defined as follows.

A. "Displaced person" means:

(1) Any person who moves from real property or moves that person's personal property from real property:

(a) As a direct result of a written notice of intent to acquire or the acquisition of that real property in whole or in part for a program or project undertaken by the department; or

(b) On which the person is a residential tenant or conducts a small business, a farm operation or a business defined in subsection 2, as a direct result of rehabilitation, demolition or such other displacing activity as the department prescribes under a program

or project undertaken by the department in any case in which the department determines that the displacement is permanent; and

(2) Solely for the purposes of section 243 and section 244, subsections 1 and 2, any person who moves from real property or moves that person's personal property from real property:

(a) As a direct result of a written notice of intent to acquire or the acquisition of other real property, in whole or in part, on which the person conducts a business or farm operation, for a program or project undertaken by the department; or

(b) As a direct result of rehabilitation, demolition or such other displacing activity as the department prescribes of other real property on which the person conducts a business or a farm operation, under a program or project undertaken by the department where the department determines that the displacement is permanent. [PL 1989, c. 208, §§6, 21 (NEW).]

B. "Displaced person" does not include:

(1) A person who has been determined, according to criteria established by the department, either to be unlawfully occupying the displacement dwelling or to have occupied the dwelling for the purpose of obtaining assistance under this subchapter; and

(2) In any case in which the department acquires property for a program or project, any person, other than a person who was an occupant of the property at the time it was acquired, who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project. [PL 1989, c. 208, §§6, 21 (NEW).]

[PL 1989, c. 208, §§6, 21 (RPR).]

**4. Existing patronage.** "Existing patronage" means either the volume of clientele or the annual net earnings for the 2 taxable years immediately prior to the taxable year in which the business was displaced.

[PL 1989, c. 208, §§7, 21 (RPR).]

**5. Farm operation.** "Farm operation" shall mean any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

[PL 1971, c. 333, §1 (NEW).]

**6. Federal agency.** "Federal agency" shall mean any department, agency or instrumentality in the executive branch of the Federal Government, except the National Capitol Housing Authority, any wholly-owned government corporation, except the District of Columbia Redevelopment Land Agency, and the Architect of the Capitol, the Federal Reserve Banks and branches thereof.

[PL 1971, c. 333, §1 (NEW).]

**7. Mortgage.** "Mortgage" shall mean such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of this State, together with the credit instruments, if any, secured thereby.

[PL 1971, c. 333, §1 (NEW).]

**8. Person.** "Person" shall mean any individual, partnership, corporation or association.

[PL 1971, c. 333, §1 (NEW).]

**9. Program or project.** "Program or project" means any highway construction or related activity undertaken by the Department of Transportation on a state or state-aid highway and any other activity undertaken and authorized by law to be carried out by the department.

[PL 1989, c. 208, §§8, 21 (AMD).]

**9-A. Small business.** "Small business" means any business having fewer than 500 employees working at the site being acquired or permanently displaced by a program or project.  
[PL 1989, c. 208, §§9, 21 (NEW); PL 1989, c. 866, Pt. B, §1 (AMD); PL 1989, c. 866, Pt. B, §26 (AFF).]

**10. State agency.** "State agency" means any department, agency or instrumentality of this State or any political subdivision of this State, any department, agency or instrumentality of 2 or more states, or 2 more political subdivisions of the State or states and any person who has the authority to acquire property by eminent domain under state law.  
[PL 1989, c. 208, §§10, 21 (AMD).]

**SECTION HISTORY**

PL 1971, c. 333, §1 (NEW). PL 1971, c. 593, §22 (AMD). PL 1973, c. 625, §129 (AMD). PL 1979, c. 541, §A158 (AMD). PL 1989, c. 208, §§4-10,21 (AMD). PL 1989, c. 866, §§B1,26 (AMD).

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