

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Office of Administrative Hearings  
(DLS Control No. 15-025)**

---

**Overview and Legal and Fiscal Impact**

This regulation updates obsolete references to fees associated with filing a request for a hearing with the Office of Administrative Hearings.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

**Regulation of COMAR Affected**

**Office of Administrative Hearings:**

Fees: Fees: COMAR 28.03.01.03

---

**Legal Analysis**

**Background**

Chapter 430 of 2004 (the Budget Reconciliation and Financing Act of 2004) increased the limit on the fees that the Chief Administrative Law Judge may assess to file an appeal from \$15 to \$125 for an appeal of a driver's license suspension or revocation related to a violation of the Maryland Vehicle Law and \$50 for all other types of appeals. Chapter 2 of the first special session of 2012 (State and Local Revenue Financing Act of 2012) further increased the maximum fee for a driver's license suspension or revocation appeal from \$125 to \$150. However, the regulations have not been updated to reflect the statutory limits on appeal fees.

**Summary of Regulation**

The regulation increases the amount of the fee for filing a request for a hearing with the Office of Administrative Hearings from \$15 to \$150 for an appeal of a driver's license suspension or revocation related to a violation of the Maryland Vehicle Law and \$50 for all other types of appeals for which a fee is required. The changes are consistent with current practice.

**Legal Issue**

The regulation presents no legal issue of concern.

## **Statutory Authority and Legislative Intent**

The office cites § 9-1604(b)(i)(v) and (vi) of the State Government Article as statutory authority for the regulation. But for a typographical error (the correct citation is § 9-1604(b)(1)(v) and (vi), this authority is correct and complete. The regulation complies with the legislative intent of the law.

## **Technical Corrections and Special Notes**

The statutory authority cited by the office contains a typographical error noted above. Also, the office submitted revised text on March 31, 2015, which established the fees by regulation, rather than through changes on the office's website or through a notice of agency action.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

## **Agency Estimate of Projected Fiscal Impact**

The office advises that the regulation has no impact on State or local governments because it conforms an obsolete fee schedule with the office's existing policy and fee schedule as established by the Chief Administrative Law Judge and statutory maximum fees. The Department of Legislative Services concurs.

## **Impact on Budget**

There is no impact on the State operating or capital budget.

## **Agency Estimate of Projected Small Business Impact**

The office advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

**Legal Analysis:** Susan H. Russell – (410) 946/(301) 970-5350

**Fiscal Analysis:** Sasika Subramaniam – (410) 946/(301) 970-5510