

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Office of Administrative Hearings
(DLS Control No. 15-045)**

Overview and Legal and Fiscal Impact

The regulation repeals obsolete references to a \$15 filing fee in provisions relating to waiver of fees for certain eligible parties in proceedings before 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 28.03.01.06

Legal Analysis

Background

The regulation is consistent with proposed changes to COMAR 28.03.01.03 (DLS Control No. 15-025), which increase 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 from \$15 to \$50 for all other types of appeals for which a fee is required.

Summary of Regulation

The regulation repeals obsolete references to a \$15 filing fee in provisions requiring the Office of Administrative Hearings to waive the filing fee for a party who is receiving certain types of public assistance or is represented by counsel retained through Judicare, Maryland Volunteer Legal Services, the Maryland Legal Aid Bureau, or any other legal services program that receives funding from the Maryland Legal Services Corporation.

Legal Issue

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The office cites § 9-1604(b)(1)(v) and (vi) of the State Government Article as statutory authority for the proposed regulation. These provisions authorize the Chief Administrative Law Judge to (1) adopt regulations to implement Title 9, Subtitle 16 of the State Government Article, which concerns the Office of Administrative Hearings, and (2) assess specified fees to cover administrative expenses.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The office advises that the regulation conforms an obsolete fee schedule with the office's existing policy and fee schedule as established by the Chief Administrative Law Judge; therefore, there is no fiscal impact. 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

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