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By: **Delegate Wood**

Introduced and read first time: February 5, 1998

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Vehicle Laws - Vehicle Manufacturers and Distributors - Administrative**  
3                                   **Proceedings - Evidentiary Burden**

4 FOR the purpose of providing that in certain administrative adjudications involving  
5 disputes between vehicle dealers and manufacturers or distributors, the burden  
6 of proof and burden of going forward to prove certain compliance with certain  
7 statutory provisions is on the manufacturer or distributor.

8 BY repealing and reenacting, with amendments,  
9 Article - Transportation  
10 Section 12-206  
11 Annotated Code of Maryland  
12 (1992 Replacement Volume and 1997 Supplement)

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

15                                   **Article - Transportation**

16 12-206.

17 (A) Except as otherwise provided in this article, a hearing held under the  
18 Maryland Vehicle Law shall be conducted in accordance with Title 10, Subtitle 2 of  
19 the State Government Article (Administrative Procedure Act - Contested Cases).

20 (B) IN A DISPUTE BETWEEN A DEALER AND A MANUFACTURER OR  
21 DISTRIBUTOR UNDER TITLE 15 OF THIS ARTICLE, THE MANUFACTURER OR  
22 DISTRIBUTOR SHALL HAVE THE BURDEN OF PROOF AND THE BURDEN OF GOING  
23 FORWARD TO PROVE THAT THE MANUFACTURER OR DISTRIBUTOR IS IN  
24 COMPLIANCE WITH TITLE 15.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 1998.