
By: **Delegates K. Kelly and Vallario**
Introduced and read first time: January 19, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Circuit Courts - Venue - Motor Vehicle Administration Appeals**

3 FOR the purpose of requiring that an appeal by an aggrieved party from a Motor
4 Vehicle Administration hearing concerning certain matters be made to certain
5 circuit courts; providing for the application of this Act; and generally relating to
6 the venue for an appeal from a Motor Vehicle Administrative hearing to a circuit
7 court.

8 BY repealing and reenacting, without amendments,
9 Article - State Government
10 Section 10-222(a) and (c)
11 Annotated Code of Maryland
12 (1999 Replacement Volume)

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 12-209
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 1999 Supplement)

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

20 **Article - State Government**

21 10-222.

22 (a) (1) Except as provided in subsection (b) of this section, a party who is
23 aggrieved by the final decision in a contested case is entitled to judicial review of the
24 decision as provided in this section.

25 (2) An agency, including an agency that has delegated a contested case to
26 the Office, is entitled to judicial review of a decision as provided in this section if the
27 agency was a party before the agency or the Office.

1 (c) Unless otherwise required by statute, a petition for judicial review shall be
2 filed with the circuit court for the county where any party resides or has a principal
3 place of business.

4 **Article - Transportation**

5 12-209.

6 (a) Any aggrieved party to a hearing may appeal from a decision or order of
7 the Administration as follows:

8 (1) If the matter concerns the license of [the party] AN INDIVIDUAL to
9 drive and the [party] INDIVIDUAL is a resident of this State, THE APPEAL SHALL BE
10 MADE BY THE PARTY to the circuit court for the county in which the [party]
11 INDIVIDUAL resides;

12 (2) If the matter concerns any other license or privilege of [the party,] A
13 PERSON, THE APPEAL SHALL BE MADE BY THE PARTY to the circuit court for the
14 county in which the principal place of business of the [party] PERSON in this State is
15 located;

16 (3) If the [party is] MATTER CONCERNS a nonresident motorist, THE
17 APPEAL SHALL BE MADE BY THE PARTY to the circuit court for the county in which
18 the [party] NONRESIDENT MOTORIST was convicted of the violation to which the
19 matter relates; and

20 (4) If not otherwise provided in this section or elsewhere in the Maryland
21 Vehicle Law, THE APPEAL SHALL BE MADE to the Circuit Court for Anne Arundel
22 County.

23 (b) [The] SUBJECT TO THE PROVISIONS OF THIS SECTION, THE
24 Administrative Procedure Act shall govern in an appeal.

25 (c) Except as provided in § 16-205.1 of this article, if an appeal is filed in a
26 case by an aggrieved licensee, the Administration shall grant a stay of its decision or
27 order for not more than 120 days, unless it appears to the Administration that
28 substantial and immediate harm could result to the licensee or others if the license or
29 privilege is continued pending appeal.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
31 any appeal from an administrative hearing to a circuit court filed on or after the
32 effective date of this Act.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2000.