

HOUSE BILL 87

Unofficial Copy
C2

2001 Regular Session
11r0042

(PRE-FILED)

By: **Chairman, Economic Matters Committee (Departmental - Labor,
Licensing and Regulation)**

Requested: November 14, 2000

Introduced and read first time: January 10, 2001

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Labor, Licensing, and Regulation - State Boards - Hearing**
3 **Provisions**

4 FOR the purpose of repealing certain provisions regarding when the State Board of
5 Architects, State Board of Certified Interior Designers, State Board of
6 Examiners of Landscape Architects, State Board for Professional Engineers, and
7 State Board for Professional Land Surveyors must hold a certain hearing; and
8 generally relating to hearings held by the State Board of Architects, State Board
9 of Certified Interior Designers, State Board of Examiners of Landscape
10 Architects, State Board for Professional Engineers, and State Board for
11 Professional Land Surveyors.

12 BY repealing and reenacting, with amendments,
13 Article - Business Occupations and Professions
14 Section 3-313, 8-312, 9-312, 14-319, and 15-320
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2000 Supplement)

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

19 **Article - Business Occupations and Professions**

20 3-313.

21 (a) [(1)] Except as otherwise provided in § 10-226 of the State Government
22 Article, before the Board takes any final action under § 3-311 of this subtitle, it shall
23 give the individual against whom the action is contemplated an opportunity for a
24 hearing before the Board.

25 [(2)] A hearing shall be held within a reasonable time, not exceeding 6
26 months, after the complaint is made.]

1 (b) The Board shall give notice and hold the hearing in accordance with Title
2 10, Subtitle 2 of the State Government Article.

3 (c) At least 30 days before the hearing, the hearing notice and a copy of the
4 complaint shall be:

5 (1) served personally on the individual; or

6 (2) mailed to the last known address of the individual.

7 (d) The individual may be represented at the hearing by counsel.

8 (e) If, after due notice, the individual against whom the action is
9 contemplated fails or refuses to appear, nevertheless the Board may hear and
10 determine the matter.

11 8-312.

12 (a) [(1)] Except as otherwise provided in § 10-226 of the State Government
13 Article, before the Board takes any final action under § 8-310 of this subtitle, it shall
14 give the individual against whom the action is contemplated an opportunity for a
15 hearing before the Board.

16 [(2)] A hearing shall be held:

17 (i) in accordance with regulations adopted by the Board; and

18 (ii) within a reasonable time not to exceed 6 months after the
19 complaint is made.]

20 (b) The Board shall give notice and hold the hearing in accordance with Title
21 10, Subtitle 2 of the State Government Article.

22 (c) The Board may administer oaths in connection with any proceeding under
23 this section.

24 (d) At least 30 days before the hearing, the hearing notice and a copy of the
25 complaint shall be:

26 (1) served personally on the individual; or

27 (2) sent by mail to the last known address of the individual.

28 (e) The individual may be represented at the hearing by counsel.

29 (f) If, after due notice, the individual against whom the action is
30 contemplated fails or refuses to appear, nevertheless the Board may hear and
31 determine the matter.

1 9-312.

2 (a) [(1)] Except as otherwise provided in § 10-226 of the State Government
3 Article, before the Board takes any final action under § 9-310 of this subtitle, it shall
4 give the individual against whom the action is contemplated an opportunity for a
5 hearing before the Board.

6 [(2)] A hearing shall be set within a reasonable time, not exceeding 6
7 months, after the Board brings charges against a licensee.]

8 (b) The Board shall give notice and hold the hearing in accordance with Title
9 10, Subtitle 2 of the State Government Article.

10 (c) The Board may administer oaths in connection with any proceeding under
11 this section.

12 (d) At least 30 days before the hearing, the hearing notice and a copy of the
13 complaint shall be:

14 (1) served personally on the individual; or

15 (2) mailed to the last known address of the individual.

16 (e) The individual may be represented at the hearing by counsel.

17 (f) If, after due notice, the individual against whom the action is
18 contemplated fails or refuses to appear, nevertheless the Board may hear and
19 determine the matter.

20 14-319.

21 (a) [(1)] Except as otherwise provided in § 10-226 of the State Government
22 Article, before the Board takes any final action under § 14-317 of this subtitle, it shall
23 give the individual against whom the action is contemplated an opportunity for a
24 hearing before the Board.

25 [(2)] A hearing shall be set down within a reasonable time, not exceeding 6
26 months, after the Board brings charges against a licensee.]

27 (b) The Board shall give notice and hold the hearing in accordance with Title
28 10, Subtitle 2 of the State Government Article.

29 (c) The Board may administer oaths in connection with any proceeding under
30 this section.

31 (d) At least 30 days before the hearing, the hearing notice and a copy of the
32 complaint shall be:

33 (1) served personally on the individual; or

34 (2) mailed to the last known address of the individual.

1 (e) The individual may be represented at the hearing by counsel.

2 (f) If, after due notice, the individual against whom the action is
3 contemplated fails or refuses to appear, nevertheless the Board may hear and
4 determine the matter.

5 15-320.

6 (a) [(1)] Except as otherwise provided in § 10-226 of the State Government
7 Article, before the Board takes any final action under § 15-318 of this subtitle, it shall
8 give the individual against whom the action is contemplated an opportunity for a
9 hearing before the Board.

10 [(2) A hearing shall be set down within a reasonable time, not exceeding 6
11 months, after the Board has brought charges against the licensee.]

12 (b) The Board shall give notice and hold the hearing in accordance with Title
13 10, Subtitle 2 of the State Government Article.

14 (c) The Board may administer oaths in connection with any proceeding under
15 this section.

16 (d) At least 30 days before the hearing, the hearing notice and a copy of the
17 complaint shall be:

18 (1) served personally on the individual; or

19 (2) mailed to the last known address of the individual.

20 (e) The individual may be represented at the hearing by counsel.

21 (f) If, after due notice, the individual against whom the action is
22 contemplated fails or refuses to appear, nevertheless the Board may hear and
23 determine the matter.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
25 effect October 1, 2001.