

HOUSE BILL 87

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2001 Regular Session  
11r0042

(PRE-FILED)

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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

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Committee Report: Favorable

House action: Adopted

Read second time: February 20, 2001

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CHAPTER \_\_\_\_\_

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:

1 **Article - Business Occupations and Professions**

2 3-313.

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

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

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

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

13 (1) served personally on the individual; or

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

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

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

19 8-312.

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

24 [(2) A hearing shall be held:

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

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

28 (b) The Board shall give notice and hold the hearing in accordance with Title  
29 10, Subtitle 2 of the State Government Article.

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

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

- 1 (1) served personally on the individual; or  
2 (2) sent by mail to the last known address of the individual.

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

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

7 9-312.

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

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

14 (b) The Board shall give notice and hold the hearing in accordance with Title  
15 10, Subtitle 2 of the State Government Article.

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

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

- 20 (1) served personally on the individual; or  
21 (2) mailed to the last known address of the individual.

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

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

26 14-319.

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

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

33 (b) The Board shall give notice and hold the hearing in accordance with Title  
34 10, Subtitle 2 of the State Government Article.

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

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

8 (f) 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 15-320.

12 (a) [(1)] Except as otherwise provided in § 10-226 of the State Government  
13 Article, before the Board takes any final action under § 15-318 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 set down within a reasonable time, not exceeding 6  
17 months, after the Board has brought charges against the licensee.]

18 (b) The Board shall give notice and hold the hearing in accordance with Title  
19 10, Subtitle 2 of the State Government Article.

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

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

24 (1) served personally on the individual; or

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

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

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

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

