

---

By: **Delegate Malone**

Introduced and read first time: February 16, 2001

Assigned to: Rules and Executive Nominations

---

A BILL ENTITLED

1 AN ACT concerning

2                                   **Administrative Hearings - Individuals Representing the Motor Vehicle**  
3                                   **Administration**

4 FOR the purpose of authorizing individuals who are not licensed to practice law in  
5 this State to represent the Motor Vehicle Administration in hearings before the  
6 Office of Administrative Hearings.

7 BY repealing and reenacting, with amendments,  
8 Article - State Government  
9 Section 9-1607.1(a)  
10 Annotated Code of Maryland  
11 (1999 Replacement Volume and 2000 Supplement)

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

14                                   **Article - State Government**

15 9-1607.1.

16 (a) An individual who is not licensed to practice law in this State may  
17 represent a party in a proceeding before the Office if:

18                   (1) authorized by law;

19                   (2) the individual is representing:

20                           (i) a recipient of or applicant for benefits that are:

21   1. based on the recipient's or applicant's income and  
22 resources; and

23   2. provided by the Department of Human Resources or the  
24 Department of Health and Mental Hygiene;

1 (ii) a resident of a facility at a proceeding conducted under §  
2 19-344(q)(4) or § 19-345.1 of the Health - General Article;

3 (iii) a health care facility, as defined in § 10-101 of the Health -  
4 General Article, at a proceeding under the provisions of § 10-632, § 10-708, § 12-114,  
5 or § 12-120 of the Health - General Article; [or]

6 (iv) a grievant at a proceeding conducted pursuant to Title 10,  
7 Subtitle 2 of the Correctional Services Article concerning a grievance submitted to the  
8 Inmate Grievance Office, provided the representation is not otherwise restricted for  
9 reasons of security or expense pursuant to regulations, rules, directives, or policies  
10 adopted by the Division of Correction or Patuxent Institution; OR

11 (V) THE MOTOR VEHICLE ADMINISTRATION;

12 (3) the individual is a designee of a corporation while appearing on its  
13 behalf in an administrative proceeding held under § 27-605 of the Insurance Article;

14 (4) the individual is an officer of a corporation, an employee designated  
15 by an officer of a corporation, a general partner in a business operated as a  
16 partnership or an employee designated by a general partner, or an employee  
17 designated by the owner of a business operated as a sole proprietorship while the  
18 officer, partner, or employee is appearing on behalf of the corporation, partnership, or  
19 business in an administrative hearing held under:

20 (i) § 8-312 of the Business Regulation Article (Home Improvement  
21 Commission);

22 (ii) Title 5 of the Labor and Employment Article (Occupational  
23 Safety and Health); or

24 (iii) regulations adopted pursuant to § 14-303 of the State Finance  
25 and Procurement Article, concerning the decertification of a minority business  
26 enterprise to conduct business with the Department of Transportation; or

27 (5) in the case of an insurer, the individual is a designee of the insurer  
28 who:

29 (i) is employed by the insurer in claims, underwriting, or as  
30 otherwise provided by the Commissioner; and

31 (ii) has been given the authority by the insurer to resolve all issues  
32 involved in the proceeding.

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