

---

By: **Delegate Malone**

Introduced and read first time: February 16, 2001

Assigned to: Rules and Executive Nominations

Re-referred to: Commerce and Government Matters, February 26, 2001

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2001

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Office of Administrative Hearings - Individuals Representing the Motor**  
3 **Vehicle Administration Units of State Government**

4 FOR the purpose of authorizing ~~individuals who are~~ an individual who is not licensed  
5 to practice law in this State to represent ~~the Motor Vehicle Administration in~~  
6 hearings a unit of State government, at the direction of the unit of State  
7 government, in a proceeding before the Office of Administrative Hearings; and  
8 generally relating to individuals representing units of State government before  
9 the Office of Administrative Hearings.

10 BY repealing and reenacting, with amendments,  
11 Article - State Government  
12 Section 9-1607.1(a)  
13 Annotated Code of Maryland  
14 (1999 Replacement Volume and 2000 Supplement)

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

17 **Article - State Government**

18 9-1607.1.

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

21 (1) authorized by law;

- 1           (2)     the individual is representing:
- 2                   (i)     a recipient of or applicant for benefits that are:
- 3                           1.     based on the recipient's or applicant's income and
- 4 resources; and
- 5                           2.     provided by the Department of Human Resources or the
- 6 Department of Health and Mental Hygiene;
- 7                   (ii)    a resident of a facility at a proceeding conducted under §
- 8 19-344(q)(4) or § 19-345.1 of the Health - General Article;
- 9                   (iii)   a health care facility, as defined in § 10-101 of the Health -
- 10 General Article, at a proceeding under the provisions of § 10-632, § 10-708, § 12-114,
- 11 or § 12-120 of the Health - General Article; ~~for~~
- 12                   (iv)   a grievant at a proceeding conducted pursuant to Title 10,
- 13 Subtitle 2 of the Correctional Services Article concerning a grievance submitted to the
- 14 Inmate Grievance Office, provided the representation is not otherwise restricted for
- 15 reasons of security or expense pursuant to regulations, rules, directives, or policies
- 16 adopted by the Division of Correction or Patuxent Institution; ~~OR~~
- 17                   ~~(V)     THE MOTOR VEHICLE ADMINISTRATION;~~
- 18           (3)     the individual is a designee of a corporation while appearing on its
- 19 behalf in an administrative proceeding held under § 27-605 of the Insurance Article;
- 20           (4)     the individual is an officer of a corporation, an employee designated
- 21 by an officer of a corporation, a general partner in a business operated as a
- 22 partnership or an employee designated by a general partner, or an employee
- 23 designated by the owner of a business operated as a sole proprietorship while the
- 24 officer, partner, or employee is appearing on behalf of the corporation, partnership, or
- 25 business in an administrative hearing held under:
- 26                   (i)     § 8-312 of the Business Regulation Article (Home Improvement
- 27 Commission);
- 28                   (ii)    Title 5 of the Labor and Employment Article (Occupational
- 29 Safety and Health); or
- 30                   (iii)   regulations adopted pursuant to § 14-303 of the State Finance
- 31 and Procurement Article, concerning the decertification of a minority business
- 32 enterprise to conduct business with the Department of Transportation; ~~or~~
- 33           (5)     in the case of an insurer, the individual is a designee of the insurer
- 34 who:
- 35                   (i)     is employed by the insurer in claims, underwriting, or as
- 36 otherwise provided by the Commissioner; and

1 (ii) has been given the authority by the insurer to resolve all issues  
2 involved in the proceeding; OR

3 (6) THE INDIVIDUAL IS REPRESENTING A UNIT OF STATE GOVERNMENT,  
4 AT THE DIRECTION OF THE UNIT OF STATE GOVERNMENT.

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