

(PRE-FILED)

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By: **Chairman, Judicial Proceedings Committee (By Request -  
Departmental - Transportation)**

Requested: November 3, 2003

Introduced and read first time: January 14, 2004

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration - Administrative Appeals and Hearings**

3 FOR the purpose of repealing the authority of the Motor Vehicle Administration to  
4 delegate to the Office of Administrative Hearings the power to render proposed  
5 findings of fact and proposed conclusions of law in certain hearings under the  
6 Maryland Vehicle Law; expanding the authority of the Administration to  
7 delegate to the Office of Administrative Hearings the power to render final  
8 decisions in hearings under the Maryland Vehicle Law; and generally relating to  
9 the delegation of certain powers to the Office of Administrative Hearings.

10 BY repealing and reenacting, with amendments,  
11 Article - Transportation  
12 Section 12-104  
13 Annotated Code of Maryland  
14 (2002 Replacement Volume and 2003 Supplement)

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

17 **Article - Transportation**

18 12-104.

19 (a) In addition to the specific powers granted and duties imposed by this title,  
20 the Administration has the powers and duties set forth in this section.

21 (b) The Administration may adopt rules and regulations to carry out:

22 (1) Those provisions of the Maryland Vehicle Law that relate to or are  
23 administered and enforced by the Administration; and

24 (2) The provisions of any other law that the Administration is authorized  
25 to administer and enforce.

1 (c) (1) The Administration shall maintain as many offices in this State as  
2 the Administrator considers necessary to carry out the powers and duties of the  
3 Administration.

4 (2) Each office shall be open on the days and during the hours that the  
5 Secretary determines are needed to serve the public.

6 (d) (1) With the approval of the Secretary, the Administration shall employ  
7 the deputies, subordinate officers, clerks, investigators, and other employees  
8 necessary to carry out the powers and duties of the Administration.

9 (2) Except as otherwise provided by law, and subject to § 2-103.4 of this  
10 article, each deputy, officer, and employee of the Administration:

11 (i) Is in the State Personnel Management System; and

12 (ii) Is entitled to the salary provided in the pay plan established  
13 under Title 8, Subtitle 1 of the State Personnel and Pensions Article.

14 (e) [(1) Except as provided in paragraph (2) of this subsection, the] THE  
15 Administration may delegate to the Office of Administrative Hearings the power and  
16 authority under the Maryland Vehicle Law to conduct hearings under this article and  
17 render [proposed findings of fact and proposed conclusions of law.

18 (2) The Administration may delegate to the Office of Administrative  
19 Hearings the power and authority under the Maryland Vehicle Law to render] final  
20 decisions in hearings conducted under [§§ 13-705.1, 21-1005, and 22-218, and Title  
21 16, Subtitles 1 through 4 of] this article.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
23 effect October 1, 2004.