

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 34

(Chairman, Judicial Proceedings Committee)
(By Request – Departmental – Transportation)

Judicial Proceedings

Environmental Matters

Motor Vehicle Administration - Administrative Appeals and Hearings

This departmental bill expands the authority of the Motor Vehicle Administration (MVA) to delegate to the Office of Administrative Hearings (OAH) the authority to conduct hearings and render final decisions to all cases under the Maryland Vehicle Law. The bill repeals the authority of the MVA to delegate to OAH the power to render proposed findings of fact and conclusions of law in hearings under the Maryland Vehicle Law relating to lien releases, assurance fund cases, franchise termination cases, and all occupational licensing cases.

Fiscal Summary

State Effect: No quantifiable cost savings are anticipated from the bill's provisions. The bill's requirements could be handled within existing resources.

Local Effect: None.

Small Business Effect: The Maryland Department of Transportation (MDOT) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: The MVA is authorized to adopt rules and regulations to carry out the provisions of the Maryland Vehicle Law and any other law that the MVA is authorized to administer and enforce.

The MVA may delegate to OAH the authority under the Maryland Vehicle Law to conduct hearings and render only proposed findings of fact and conclusions of law, except as otherwise provided. Accordingly, the MVA retains final decision making authority in lien release hearings, assurance fund cases, franchise termination cases, and all occupational licensing cases. The MVA may delegate to OAH the authority to render final decisions in the majority of administrative appeals, including hearings regarding license suspensions and revocations, misuse of disability tags and placards, improper use of emergency lights, and driving on a revoked or suspended license.

Background: According to MDOT, the MVA acts as a final appellate body for those cases in the areas of lien release, assurance fund, franchise termination, and occupational licensing, that are appealed from OAH. Any appeals from the MVA decisions take place in the circuit courts. The MVA hears about 20 appeals annually.

State Fiscal Effect: OAH currently conducts all hearings for the MVA. This bill would authorize OAH to render final decisions, instead of proposed decisions, for the 20 cases per year where the MVA retains the authority to issue a final decision. Due to the small number of cases, implementation of this bill is not expected to have a fiscal impact on OAH, nor is it expected to generate quantifiable cost savings for the MVA.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of Administrative Hearings, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - January 19, 2004
n/jr

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