

SENATE BILL 297

P3

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CF 0lr0854

By: **Senator Hough**

Introduced and read first time: January 22, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Administrative Procedure Act – Dispositions and Summary Suspensions – Time**
3 **Periods**

4 FOR the purpose of requiring an agency or the Office of Administrative Hearings to dispose
5 of a contested case within a certain period of time after a certain evidentiary hearing;
6 authorizing a certain named party to provide certain written notice that a decision
7 is due; establishing that a certain decision shall be construed in a certain manner
8 under certain circumstances; requiring a certain unit to issue a certain order on a
9 certain summary suspension within a certain period of time; and generally relating
10 to dispositions and summary suspensions and the Administrative Procedure Act.

11 BY repealing and reenacting, with amendments,
12 Article – State Government
13 Section 10–210 and 10–226
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2019 Supplement)

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

18 **Article – State Government**

19 10–210.

20 **(A)** Unless otherwise precluded by law, an agency or the Office may dispose of a
21 contested case by:

22 (1) stipulation;

23 (2) settlement;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (3) consent order;
- 2 (4) default;
- 3 (5) withdrawal;
- 4 (6) summary disposition; or
- 5 (7) dismissal.

6 **(B) UNLESS OTHERWISE PRECLUDED BY LAW, AN AGENCY OR THE OFFICE**
7 **SHALL DISPOSE OF A CONTESTED CASE UNDER SUBSECTION (A) OF THIS SECTION**
8 **WITHIN 90 DAYS AFTER THE DATE OF ANY EVIDENTIARY HEARING HELD ON THE**
9 **CASE.**

10 **(C) (1) IF THE AGENCY OR THE OFFICE DOES NOT DISPOSE OF A CASE**
11 **WITHIN THE TIME REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, A NAMED**
12 **PARTY TO THE CONTESTED CASE MAY PROVIDE WRITTEN NOTICE TO THE AGENCY**
13 **OR THE OFFICE THAT THE DECISION IS DUE.**

14 **(2) IF AN AGENCY OR THE OFFICE DOES NOT DISPOSE OF A CASE**
15 **WITHIN 30 DAYS AFTER RECEIPT OF A NOTICE PROVIDED UNDER PARAGRAPH (1) OF**
16 **THIS SUBSECTION, THE DECISION SHALL BE DEEMED TO BE IN FAVOR OF THE NAMED**
17 **PARTY.**

18 10-226.

19 (a) (1) In this section the following words have the meanings indicated.

- 20 (2) “License” means all or any part of permission that:
- 21 (i) is required by law to be obtained from a unit;
- 22 (ii) is not required only for revenue purposes; and
- 23 (iii) is in any form, including:
- 24 1. an approval;
- 25 2. a certificate;
- 26 3. a charter;
- 27 4. a permit; or

1 5. a registration.

2 (3) “Unit” means an officer or unit that is authorized by law to:

3 (i) adopt regulations subject to Subtitle 1 of this title; or

4 (ii) adjudicate contested cases under this subtitle.

5 (b) If, at least 2 calendar weeks before a license expires, the licensee makes
6 sufficient application for renewal of the license, the license does not expire until:

7 (1) the unit takes final action on the application; and

8 (2) either:

9 (i) the time for seeking judicial review of the action expires; or

10 (ii) any judicial stay of the unit’s final action expires.

11 (c) (1) Except as provided in paragraph (2) of this subsection, a unit may not
12 revoke or suspend a license unless the unit first gives the licensee:

13 (i) written notice of the facts that warrant suspension or revocation;
14 and

15 (ii) an opportunity to be heard.

16 (2) A unit may order summarily the suspension of a license if the unit:

17 (i) finds that the public health, safety, or welfare imperatively
18 requires emergency action; and

19 (ii) promptly gives the licensee:

20 1. written notice of the suspension, the finding, and the
21 reasons that support the finding; and

22 2. an opportunity to be heard.

23 **(D) IF A UNIT SUMMARILY SUSPENDS A LICENSE UNDER SUBSECTION (C)(2)**
24 **OF THIS SECTION, THE UNIT SHALL ISSUE A FINAL, APPEALABLE ORDER ON THE**
25 **SUMMARY SUSPENSION WITHIN 30 DAYS AFTER THE DATE OF THE SUMMARY**
26 **SUSPENSION.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2020.