

CHAPTER 141

(Senate Bill 122)

AN ACT concerning

Administrative Procedure Act – Notice and Suspension Provisions – Modifications

FOR the purpose of making consistent the provisions of the Administrative Procedure Act concerning the mailing of notice to certain licensees; authorizing the Governor to suspend the applicability of all or part of the law concerning the Office of Administrative Hearings in the same manner and under the same conditions that he may currently suspend the applicability of the APA; making certain stylistic changes; and generally relating to the Administrative Procedure Act and the Office of Administrative Hearings.

BY repealing and reenacting, with amendments,

Article – State Government

Section 10-209 and 10-225

Annotated Code of Maryland

(1993 Replacement Volume and 1993 Supplement)

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

Article – State Government

10-209.

(a) Where a licensing statute provides for service other than by regular mail, notice under this subtitle may be sent by regular mail to the address of record of a person holding a license issued by the agency if:

(1) the person is required by law [or regulation] to advise the agency of the address; and

(2) the agency has been unsuccessful in giving notice in the manner otherwise provided by the licensing statute.

(b) Upon a showing that the person neither knew nor had reasonable opportunity to know of the fact of service, a person served by regular mail under subsection (a) of this section shall be granted a hearing.

(c) A person holding a license shall be deemed to have had a reasonable opportunity to know of the fact of service if:

(1) the person is required by [statute] LAW to notify the agency of a change of address within a specified period of time;

(2) the person failed to notify the agency in accordance with the [statute] LAW;