

## Art. 64B, §29.

Throughout this section, present references to the "Department" are clarified to refer to the Administration, "subject to the authority of the Secretary and, where applicable, the Maryland Transportation Authority"; see, also, §7-203 of this subtitle. Also, the terms "rentals", "fees", and "charges" are added to conform to the similar provisions appearing elsewhere in this title; see, e.g., §7-505 of this title.

In subsection (a) of this section, the present phrase "from and after June 1, 1969" is deleted as now obsolete.

In subsection (d) of this section, the present reference to "persons engaged therein", referring to transportation by private carriers, is deleted as unnecessary.

The only other changes are in style.

As to subsection (b) of this section, it is noted that similar provisions purporting to preclude judicial review were held by the Maryland Court of Appeals, in Criminal Injuries Compensation Board v. Gould, 273 Md. 487 (1975) to effectively preclude judicial review under the Administrative Procedure Act, Art. 41, §255(a), but not to preclude judicial review under a court's "inherent residual right to review and restrain improper exercise of administrative powers by agencies alleged to have acted arbitrarily, illegally, capriciously and unreasonably...." The case was decided under the Criminal Injuries Compensation Act, Art. 26A, §10(a). The lower court had held the provisions precluding appellate review "unconstitutional and void". While the Court of Appeals disagreed with the circuit court's holding of unconstitutionality, the Court of Appeals granted judicial review of the administrative decision of the Criminal Injuries Compensation Board, reversed the decision of the Board, and remanded the case back to the Board. In light of the Gould case, subsection (b) of this section, at best, is misleading to the reader and, at worst, is of questionable constitutionality. Legislative consideration of this problem may be necessary to clarify the muddled waters of subsection (b).

The Public Service Commission Law, referred to in subsection (c) of this section, is contained in Article 78 of the Code.