

when advance notice is required, there be at least a 48-hour delay between giving notice of intent to suspend and the taking effect of the suspension.

4-419. HEARINGS.

(A) RIGHT TO A HEARING.

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE AND IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE SECRETARY DENIES AN APPLICATION FOR A PERMIT OR TAKES ANY ACTION UNDER § 4-418 OF THIS SUBTITLE, THE SECRETARY SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE SECRETARY.

(B) APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE SECRETARY SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(C) SPECIFIC NOTICE AND HEARING DATE REQUIREMENTS.

(1) WITHIN 48 HOURS AFTER THE PERSON RECEIVES NOTICE OF THE SECRETARY'S ACTION, A PERSON WHOSE PERMIT HAS BEEN SUSPENDED OR WHO HAS RECEIVED A NOTICE THAT THE SECRETARY INTENDS TO SUSPEND THE PERMIT MAY REQUEST A HEARING.

(2) WITHIN 72 HOURS AFTER RECEIVING THE REQUEST FOR A HEARING, THE SECRETARY SHALL HOLD THE HEARING.

(D) EX PARTE HEARINGS.

IF AFTER DUE NOTICE THE PERSON FOR WHOM THE HEARING IS HELD FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE SECRETARY MAY HEAR AND DETERMINE THE MATTER.

REVISOR'S NOTE: Subsections (a), (b), and (c) of this section are new language derived without substantive change from former Article 43, § 577 and the second paragraph of § 576.

Subsection (d) of this section is new language added to clarify that the Secretary may proceed with the ex parte hearing if the accused person has been given due notice.

"Except as otherwise provided ... in the Administrative Procedure Act" is new language added to subsection (a) of this section to clarify that the Secretary may summarily take action against an individual under certain circumstances. See Article 41, § 250A(c) of the