

REVISOR'S NOTE: This section formerly appeared as Art. 56, § 562.

The only changes are in style.

Defined terms: "Person" § 1-101
"Superintendent" § 13-101

13-315. SAME -- HEARING.

(A) RIGHT TO HEARING.

EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 4 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE SUPERINTENDENT TAKES ANY FINAL ACTION UNDER § 13-313 OF THIS SUBTITLE, THE SUPERINTENDENT SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE SUPERINTENDENT.

(B) APPLICATION OF CONTESTED CASE PROVISIONS.

THE SUPERINTENDENT SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) OATHS.

THE SUPERINTENDENT MAY ADMINISTER OATHS IN CONNECTION WITH ANY PROCEEDING UNDER THIS SECTION.

(D) SPECIFIC NOTICE REQUIREMENTS.

THE HEARING NOTICE TO BE GIVEN TO THE PERSON SHALL BE WRITTEN AND SENT AT LEAST 10 DAYS BEFORE THE HEARING.

(E) RIGHT TO COUNSEL.

THE PERSON MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(F) FAILURE OR REFUSAL TO APPEAR.

IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE SUPERINTENDENT MAY HEAR AND DETERMINE THE MATTER.

REVISOR'S NOTE: Subsections (a) through (e) of this section formerly appeared as Art. 56, § 563.

Subsection (f) of this section is new language added to clarify that, after an accused person has been given proper notice, the Superintendent may proceed with a hearing even if the person fails to appear.