



Vehicle Safety Inspection Program Bulletin

ASED-014

Date: July 13, 2021

Bulletin: All Inspection Station Personnel

From: Automotive Safety Enforcement Division

RE: **Penalty Assessment, Emergency Suspension, & Administrative Hearings**

Penalty Assessment Guide - The Penalty Assessment Guide provides impartial and consistent recommendations for administrative penalties for violations of the inspection regulations, based on the most serious violation(s) at the time. The Division Commander, an appropriate designee, and/or a convened Review Board has the authority to deviate from the recommended penalties, based on the seriousness of the violation(s), the number of violations, or the circumstances of the case. The Guide is not all inclusive; penalties for violations of COMAR will be administered based on the circumstances surrounding the violation, and past history of the violator.

PENALTY ASSESSMENT GUIDE FOR ADMINISTRATIVE PROPOSED PENALTIES

Category “A” Violations - WRITTEN REPRIMAND

- 1) Formal Counseling of the Inspection Mechanic and the station owner by the station supervisor or in combination with the work group supervisor; and/or a Written Reprimand Letter from the Division Commander
- 2) Second occurrence of same or similar violation within 24 months enhances the second violation to Category “B”.
- 3) Combination of any three Category “A” violations within 24 months enhances the third violation to Category “B”.

Category “B” Violations - SUSPENSION FOR 30 DAYS

- 1) Enhanced violation from Category “A”.
- 2) Second occurrence of same or similar violation within the past 36 months enhances the second violation to Category “C”.
- 3) Combination of any three Category “B” violations within the past 36 months enhances the third violation to Category “C”.



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Category “C” Violations - SUSPENSION FOR 89 DAYS

- 1) Enhanced violation from Category “B”.
- 2) Second occurrence of same or similar violation within the past 36 months enhances the second violation to Category “D”.
- 3) Combination of any three Category “C” violations within the past 36 months enhances the third violation to Category “D”.

Category “D” Violations - SUSPENSION FOR 6 MONTHS

- 1) Enhanced violation from Category “C”.
- 2) Second occurrence of same or similar violation within the past 48 months enhances the second violation to Category “E”.
- 3) Combination of any three Category “D” violations within the past 48 months enhances the third violation to Category “E”.

Category “E” Violations - SUSPENSION FOR 1 YEAR

- 1) Enhanced violation from Category “D”.
- 2) Second occurrence of same or similar violation within the past 60 months enhances the second violation to Category “F”.
- 3) Combination of any three Category “E” violations within the past 60 months enhances the third violation to Category “F”.

Category “F” Violations - SUSPENSION FOR 2 YEARS

- 1) Enhanced violation from Category “E”.
- 2) Second occurrence of same or similar violation within the past 60 months, enhances the second violation to Category “G”.
- 3) Combination of any three Category “F” violations within the past 60 months enhances the third violation to Category “G”.

Category “G” Violations - REVOCATION

- 1) Enhanced violation from Category “F”
- 2) An Inspector and/or Station having served a revocation period of 5 years may apply for reinstatement.
- 3) Any Subsequent Category “D” “E”, “F” and/or “G” Violation after serving one revocation period would result in permanent revocation.

AUTOMOTIVE SAFETY ENFORCEMENT DIVISION PENALTY ASSESSMENT GUIDE



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Reference Section		Allegation	Category							
			A	B	C	D	E	F	G	
1	11.14.01.03, B-1	Failing to have at least one mechanic on duty during work hours	X							
2	11.14.01.03,C-1	Failure of Controller to maintain strict security of unused certificates	X							
3	11.14.01.04, A-1	Misrepresentation of facts		X						
4	11.14.01.04, A-1	Falsification of facts							X	
5	11.14.01.04, A-3	Performing inspection or certifying a vehicle for which the mechanic is not registered to inspect				X				
6	11.14.01.04, A-4	Issuing an inspection certificate for a vehicle without having inspected its equipment								X
7	11.14.01.04, A-5	Issuing a repair order certification for any specified equipment without having inspected that equipment						X		
8	11.14.01.04, A-6	Issuing an inspection certificate for a vehicle that does not meet or exceed established standards, with minimal safety risks	X							
8	11.14.01.04, A-6	Issuing an inspection certificate for a vehicle that does not meet or exceed established standards, with a defect that involves a substantial safety risk		X						
9	11.14.01.04, A-7	Issuing a repair order certification for any specified equipment if that equipment does not meet or exceed the standards established (Defects involving a minimal safety risk)	X							
10	11.14.01.04, A-7	Issuing a repair order certification for any specified equipment if that equipment does not meet or exceed the standards established (Defects involving a substantial safety risk)		X						
11	11.14.01.04, A-9	Making, issuing, or knowingly using any fictitious inspection certificate or repair order certification								X
12	11.14.01.04, A-12	Materially altering or changing any equipment on a vehicle for which an inspection certificate or repair order certification has been issued				X				
13	11.14.01.04, A-13	Suspension or revocation of inspection mechanic's driver's license (Does not include non-license suspensions for FTA, Child Support, etc)			X					
14	11.14.01.04, A-14	Using or being under the influence of alcoholic beverages during work hours						X		
15	11.14.01.04, A-14	Using or being under the influence of a controlled dangerous substance (CDS) during work hours						X		



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Reference Section		Allegation	Category							
			A	B	C	D	E	F	G	
16	11.14.01.04, A-15	Performing vehicle inspections in an area other than an approved designated inspection area (on inspection station property)		X						
17	11.14.01.04, A-15	Performing vehicle inspections in an area other than an approved designated inspection area (off the premises of the inspection site)					X			
18	11.14.01.04, B	Failure of inspection mechanic to discontinue inspections and notify the Division when required		X						
19	11.14.01.07, B-1	Failure to maintain inspection tools and test equipment in proper working condition	X							
20	11.14.01.07, D	Failure of station licensee to have specification charts or manuals, to include alignment, brakes, suspension, and emission control equipment	X							
21	11.14.01.07, E	Failure of station licensee to calibrate their equipment once a month, or as required in COMAR	X							
22	11.14.01.09, A-1	Failure of station licensee to act in the best interest of the state and general public and comply with the station application agreement		X						
23	11.14.01.10, D	Permitting registered mechanics to perform inspections outside the designated inspection area, by licensee or supervisor (on station property)		X						
24	11.14.01.10, D	Permitting registered mechanics to perform inspections outside the designated inspection area, by licensee or supervisor (off the premises)				X				
25	11.14.01.10, D	Permitting unregistered inspection mechanic to perform inspections or to certify repair orders, by licensee and/or supervisor							X	
26	11.14.01.10, C	Failure of licensee to have available for use by all inspection personnel the Vehicle Inspection Handbook, including all supplements	X							
27	11.14.01.10, E	Permitting unregistered inspection mechanic to sign inspection certificates or safety equipment repair orders, by licensee and/or supervisor							X	
28	11.14.01.10, G	Failure of licensee or supervisor to discontinue inspections and notify the Division when required		X						
29	11.14.01.10, H-1	Failure of licensee or supervisor to immediately notify the Division of stolen, lost, or damaged inspection certificates		X						
30	11.14.01.10, J	Failure to display required documents	X							
31	11.14.01.10, K	Failure to keep inspection area clear	X							
32	11.14.01.11	Failure to complete and/or retain required records	X							



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Emergency Suspension - An Emergency Suspension may be imposed against the licensee of an inspection station or an inspection mechanic when violations of the vehicle inspection laws/regulations are committed that endanger the health, safety, or welfare of the public.

When an Emergency Suspension is imposed, the licensee or inspection mechanic who is subject to the suspension will be promptly provided with the Notice of Suspension, the charges, the reasons that support the charges, and an opportunity to be heard at an Emergency Suspension Hearing.

Emergency Suspension Hearing - If a review hearing is scheduled, the licensee or inspection mechanic will be notified to appear. The licensee or inspection mechanic may waive the review hearing, by notifying the Division in writing. A member of the Office of the Department Prosecutor will be the presenter of facts at the emergency suspension review hearing.

Should the licensee or inspection mechanic fail to appear for the scheduled hearing, the license will remain suspended until such time as the alleged violation(s) in the complaint are adjudicated.

The Administrative Hearings Section (AHS) Review Board will conduct the hearing and recommend to the Division Commander one of the following:

- Emergency suspension was not justified and the licensee/registered inspection mechanic should be reinstated.
- Emergency suspension was justified, but the licensee/registered inspection mechanic should be reinstated, pending further adjudication of the charges.
- Emergency suspension was justified and the licensee/registered inspection mechanic's suspension should continue.

The review board will limit the scope of the review and determine if the continuation of the suspension is necessary to protect the public interest. Persons may be accompanied by counsel. At the conclusion of the review hearing, the chairman will advise the suspended licensee or inspection mechanic that the suspension will continue pending the Division



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Commander's decision, and the licensee or inspection mechanic will be notified of the decision in writing. In addition, the chairman will prepare a report containing the Board's recommendation and forward it to the Division Commander. The licensee/registered inspection mechanic will be notified, in writing, regarding the decision to continue with the emergency suspension. Should the suspension be upheld, it will continue until such time as the alleged violation(s) in the complaint are adjudicated.

The Office of Administrative Hearings (OAH) - When an inspection licensee or inspection mechanic has been charged with violation(s) of the inspection program that warrant some type of action, an administrative penalty will be imposed. The licensee or inspection mechanic will be notified of the proposed penalty in writing, with the effective date of the proposed action. The licensee or inspection mechanic has the option of filing a written appeal, which must be returned to the Division by the specified date. If a written appeal is not received by the specified date, the proposed penalty will become effective.

When an appeal is filed OAH will be notified to set a hearing date, at which time, all facts concerning the matter will be presented by both sides to an Administrative Law Judge. The Administrative Hearing Section will assign a prosecutor to prepare and present the case at the (OAH) hearing. The ASSED personnel who initiated the investigation, will ensure that the prosecutor is aware of all witnesses in the case, and will attend the hearing, unless other arrangements are made by AHS.

The Office of Administrative Hearings has the authority to hear and issue the final administrative decision on behalf of the Department. The Administrative Law Judge will render a final decision in a written report to the Division within 90 days of the conclusion of the hearing. A copy of the Administrative Law Judge's report and a letter of final disposition, containing the penalty to be imposed, will be sent to the licensee or inspection mechanic at their home and work addresses.

Review Process - A party aggrieved by this final decision may file a petition for judicial review with the Circuit Court of Baltimore City, if any party resides in Baltimore City or has a principal place of business there, or with the circuit court of the county where any party resides or has a principal place of business. The petition must be filed within thirty



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(30) days of the date of this decision. Md. Code Ann., State Gov't § 10-222(c) (Supp. 2020); Md. Rules 7-201 through 7-210. A separate petition may be filed with the court to waive filing fees and costs on the ground of indigence. Md. Rule 1-325. The Office of Administrative Hearings is not party to any review process.

*If you have additional questions, please feel free to contact ASED at:
410-768-7388 or MSP.ASED@maryland.gov*