

HOUSE BILL 110

D4

(PRE-FILED)

5lr1458
CF SB 106

By: ~~Delegates Simpson and Taylor,~~ Taylor, Crutchfield, Tomlinson, Toles,
Phillips, Stinnett, Arian, Kaufman, and Williams

Requested: October 29, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2025

CHAPTER _____

1 AN ACT concerning

2 **Child Support – Suspension of Driver’s Licenses**

3 FOR the purpose of altering provisions of law relating to the authority of the Child Support
4 Enforcement Administration to notify the Motor Vehicle Administration of an
5 individual’s child support arrearages for the purpose of suspending the individual’s
6 driver’s license or privilege to drive under certain circumstances; and generally
7 relating to the suspension of an individual’s driver’s license or privilege to drive for
8 child support arrearages.

9 BY repealing and reenacting, without amendments,

10 Article – Family Law

11 Section 10–119(a) and 12–201(q)

12 Annotated Code of Maryland

13 (2019 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Family Law

16 Section ~~10–119~~ 10–119(b) and (c)

17 Annotated Code of Maryland

18 (2019 Replacement Volume and 2024 Supplement)

19 ~~BY repealing and reenacting, without amendments,~~

20 ~~Article – Family Law~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~Section 12-201(q)~~
~~Annotated Code of Maryland~~
~~(2019 Replacement Volume and 2024 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16-203
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

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

Article – Family Law

10–119.

(a) (1) In this section the following words have the meanings indicated.

(2) “License” has the meaning stated in § 11–128 of the Transportation
Article.

(3) “Motor Vehicle Administration” means the Motor Vehicle
Administration of the Department of Transportation.

(b) (1) Subject to the provisions of subsection (c) of this section, the
Administration may notify the Motor Vehicle Administration of an obligor [with a
noncommercial license who is 60 days or more out of compliance, or an obligor with a
commercial license] who is 120 days or more out of compliance[,] with the most recent order
of the court in making child support payments if:

(i) the Administration has accepted an assignment of support under
§ 5–312(b)(2) of the Human Services Article; or

(ii) the recipient of support payments has filed an application for
support enforcement services with the Administration.

(2) Upon notification by the Administration under this subsection, the
Motor Vehicle Administration:

(i) shall suspend the obligor’s license or privilege to drive in the
State; and

(ii) may issue a work–restricted license or work–restricted privilege
to drive in the State in accordance with § 16–203 of the Transportation Article.

(c) (1) ~~(H) 1.~~ Before supplying any information to the Motor Vehicle Administration under this section, **AND AFTER MAKING REASONABLE ATTEMPTS TO NOTIFY THE OBLIGOR OF NONCOMPLIANCE STATUS, INCLUDING BY WRITTEN AND ELECTRONIC MEANS,** the Administration shall:

(i) send written notice of the proposed action to the obligor, including notice of the obligor's right to request an investigation on any of the following grounds:

1. the information regarding the reported arrearage is inaccurate;

~~2. suspension of the obligor's license or privilege to drive would be an impediment to the obligor's current or potential employment; or~~

~~3. suspension of the obligor's license or privilege to drive would place an undue hardship on the obligor because of the obligor's:~~

~~A. documented disability resulting in a verified inability to work; or~~

~~B. inability to comply with the court order; and~~

2. THE MINOR CHILD IS RESIDING PRIMARILY WITH THE OBLIGOR;

3. THE OBLIGOR HAS A DOCUMENTED DISABILITY RESULTING IN A VERIFIED INABILITY TO WORK;

4. SUSPENSION OF THE OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE WOULD BE AN IMPEDIMENT TO CURRENT OR POTENTIAL EMPLOYMENT;

5. THE OBLIGOR DOES NOT HAVE THE ABILITY TO PAY AND IS MAKING REASONABLE EFFORTS TO BECOME OR REMAIN EMPLOYED;

6. THE ADMINISTRATION REACHED AN AGREEMENT WITH THE OBLIGOR, INCLUDING THROUGH A PAYMENT INCENTIVE PROGRAM FOR A SCHEDULED PAYMENT OF THE ARREARAGES, OR THE COURT ISSUED AN ORDER FOR A SCHEDULED PAYMENT OF THE ARREARAGES, AND THE ADMINISTRATION DETERMINES THAT THE OBLIGOR IS COMPLYING WITH THE AGREEMENT OR THE ORDER;

1 **7. SUSPENSION OF THE OBLIGOR'S LICENSE OR**
2 **PRIVILEGE TO DRIVE WOULD BE AN IMPEDIMENT TO THE OBLIGOR'S ABILITY TO**
3 **ASSIST WITH THE TRANSPORTATION NEEDS OF THE MINOR CHILD; OR**

4 **8. SUSPENSION OF THE OBLIGOR'S LICENSE OR**
5 **PRIVILEGE TO DRIVE WOULD PLACE AN UNDUE HARDSHIP ON THE MINOR CHILD,**
6 **THE CHILD SUPPORT PAYMENT RECIPIENT, OR THE OBLIGOR; AND**

7 (ii) give the obligor a reasonable opportunity to request an
8 investigation of the proposed action of the Administration.

9 (2) (i) Upon receipt of a request for investigation from the obligor, the
10 Administration shall conduct an investigation to determine if any of the grounds under
11 paragraph (1)(i) of this subsection exist.

12 (ii) The Administration shall:

13 1. send a copy of the obligor's request for an investigation to
14 the obligee by first-class mail;

15 2. give the obligee a reasonable opportunity to respond; and

16 3. consider the obligee's response.

17 (iii) Upon completion of the investigation, the Administration shall
18 notify the obligor of the results of the investigation and the obligor's right to appeal to the
19 Office of Administrative Hearings.

20 (3) (i) An appeal under this section shall be conducted in accordance
21 with Title 10, Subtitle 2 of the State Government Article.

22 (ii) An appeal shall be made in writing and shall be received by the
23 Office of Administrative Hearings within 20 days after the notice to the obligor of the
24 results of the investigation.

25 (4) ~~If, after~~ **AFTER** the investigation or appeal to the Office of
26 Administrative Hearings, ~~the Administration finds that one of the grounds under~~
27 ~~paragraph (1)(i) of this subsection exists,~~ the Administration;

28 **(I) may not send any information about the obligor to the Motor**
29 **Vehicle Administration IF THE ADMINISTRATION FINDS THAT ONE OF THE GROUNDS**
30 **UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION EXISTS; AND**

31 **(II) MAY SEND INFORMATION ABOUT THE OBLIGOR TO THE**
32 **MOTOR VEHICLE ADMINISTRATION ONLY IF THE ADMINISTRATION VERIFIES THAT**
33 **SUSPENSION OF THE OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE IS APPROPRIATE**

1 BECAUSE THE OBLIGOR HAS THE FUNDS TO PAY BUT IS MAKING THE FREE AND
2 CONSCIOUS CHOICE TO WITHHOLD PAYMENT OR IS VOLUNTARILY IMPOVERISHED,
3 AS DEFINED IN § 12-201(Q) OF THIS ARTICLE.

4 [(5) The Administration may not send any information about an obligor to
5 the Motor Vehicle Administration if:

6 (i) the Administration reaches an agreement with the obligor
7 regarding a scheduled payment of the obligor's child support arrearage or a court issues an
8 order for a scheduled payment of the child support arrearage; and

9 (ii) the obligor is complying with the agreement or court order]
10 ~~PETITION THE COURT TO MAKE A FINDING THAT SUSPENSION OF THE OBLIGOR'S~~
11 ~~LICENSE OR PRIVILEGE TO DRIVE IS APPROPRIATE UNDER THE PROVISIONS OF THIS~~
12 ~~SUBSECTION.~~

13 ~~2. REASONABLE ATTEMPTS TO NOTIFY THE OBLIGOR~~
14 ~~UNDER THIS SUBPARAGRAPH SHALL INCLUDE WRITTEN AND ELECTRONIC NOTICE.~~

15 ~~3. NOTICE OF THE COURT PETITION SHALL BE SERVED~~
16 ~~ON THE OBLIGOR.~~

17 ~~(H) IF, AFTER A HEARING, THE COURT DETERMINES THAT~~
18 ~~SUSPENSION OF THE OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE IS APPROPRIATE,~~
19 ~~THE ADMINISTRATION MAY NOTIFY THE MOTOR VEHICLE ADMINISTRATION.~~

20 ~~(2) THE COURT MAY MAKE A FINDING THAT SUSPENSION OF THE~~
21 ~~OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE IS APPROPRIATE IF THE~~
22 ~~ADMINISTRATION PROVES BY CLEAR AND CONVINCING EVIDENCE THAT THE~~
23 ~~OBLIGOR HAS THE FUNDS TO PAY THE ARREARAGE BALANCE BUT IS MAKING THE~~
24 ~~FREE AND CONSCIOUS CHOICE TO WITHHOLD PAYMENT OR IS VOLUNTARILY~~
25 ~~IMPOVERISHED, AS DEFINED IN § 12-201(Q) OF THIS ARTICLE.~~

26 ~~(3) THE COURT MAY NOT MAKE A FINDING THAT SUSPENSION OF THE~~
27 ~~OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE IS APPROPRIATE IF:~~

28 ~~(i) THE OBLIGOR PROVES BY A PREPONDERANCE OF THE~~
29 ~~EVIDENCE ANY OF THE FOLLOWING FACTORS:~~

30 ~~1. THE MINOR CHILD IS RESIDING PRIMARILY WITH THE~~
31 ~~OBLIGOR;~~

32 ~~2. THE OBLIGOR HAS A DOCUMENTED DISABILITY~~
33 ~~RESULTING IN A VERIFIED INABILITY TO WORK;~~

~~3. SUSPENSION OF THE OBLIGOR'S LICENSE OR
PRIVILEGE TO DRIVE WOULD BE AN IMPEDIMENT TO CURRENT OR POTENTIAL
EMPLOYMENT;~~

~~4. THE OBLIGOR DOES NOT HAVE THE ABILITY TO PAY
AND IS MAKING REASONABLE EFFORTS TO BECOME OR REMAIN EMPLOYED;~~

~~5. THE ADMINISTRATION REACHED AN AGREEMENT
WITH THE OBLIGOR, INCLUDING THROUGH A PAYMENT INCENTIVE PROGRAM FOR A
SCHEDULED PAYMENT OF THE ARREARAGES, OR THE COURT ISSUED AN ORDER FOR
A SCHEDULED PAYMENT OF THE ARREARAGES, AND THE COURT DETERMINES THAT
THE OBLIGOR IS COMPLYING WITH THE AGREEMENT OR THE ORDER;~~

~~6. SUSPENSION OF THE OBLIGOR'S LICENSE OR
PRIVILEGE TO DRIVE WOULD BE AN IMPEDIMENT TO THE OBLIGOR'S ABILITY TO
ASSIST WITH THE TRANSPORTATION NEEDS OF THE MINOR CHILD; OR~~

~~7. ANY OTHER CIRCUMSTANCE THAT THE COURT
DETERMINES WOULD PLACE AN UNDUE HARDSHIP ON THE MINOR CHILD, THE CHILD
SUPPORT PAYMENT RECIPIENT, OR THE OBLIGOR; OR~~

~~(H) THE INFORMATION REGARDING THE REPORTED
ARREARAGE IS INACCURATE.~~

~~(d) (1) (i) [If, after] AFTER information about an obligor is supplied to the
Motor Vehicle Administration, [the obligor's arrearage is paid in full, the obligor has
demonstrated good faith by paying the ordered amount of support for 6 consecutive months,
the obligor is a participant in full compliance in an employment program approved by the
Administration, or the Administration finds that one of the grounds under subsection
(e)(1)(i) of this section exists] IF THE ADMINISTRATION OR THE COURT FINDS THAT THE
SUSPENSION OF THE OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE IS NOT
APPROPRIATE UNDER THIS SECTION, the Administration shall notify the Motor Vehicle
Administration to reinstate the obligor's license or privilege to drive.~~

~~(H) THE OBLIGOR MAY MAKE A REQUEST FOR REINSTATEMENT
OF THE OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE WITH THE ADMINISTRATION
OR WITH THE COURT.~~

~~(2) [The] ON REQUEST OF THE OBLIGOR, THE Administration [may]
SHALL request that the Motor Vehicle Administration expunge a record of a suspension of
a license or privilege to drive for failure to pay child support:~~

~~(i) for an obligor who is enrolled in and compliant with an
employment program approved by the Administration; or~~

~~(ii) if the information reported by the Administration that led to the suspension was inaccurate.~~

~~(e) The Secretary of Human Services, in cooperation with the Secretary of Transportation [and the Office of Administrative Hearings], shall adopt regulations to implement this section.~~

~~(F) THE SUPREME COURT OF MARYLAND MAY ADOPT RULES TO IMPLEMENT THIS SECTION.~~

12–201.

(q) “Voluntarily impoverished” means that a parent has made the free and conscious choice, not compelled by factors beyond the parent’s control, to render the parent without adequate resources.

Article – Transportation

16–203.

(a) In this section, “Child Support Administration” means the Child Support Administration of the Department of Human Services.

(b) On notification by the Child Support Administration in accordance with § 10–119 of the Family Law Article that an obligor is [60] **120** days or more out of compliance with the most recent order of the court in making child support payments, the Administration:

(1) Shall suspend an obligor’s license or privilege to drive in the State; and

(2) May issue a work–restricted license or work–restricted privilege to drive.

(c) (1) Prior to the suspension of a license or the privilege to drive in the State and the issuance of a work–restricted license or work–restricted privilege to drive under subsection (b) of this section, the Administration shall [send written notice] **MAKE REASONABLE ATTEMPTS TO NOTIFY THE OBLIGOR** of the proposed action [to the obligor] **IN ACCORDANCE WITH § 10–119(C)(1)(I)2 OF THE FAMILY LAW ARTICLE**, including notice of the obligor’s right to contest the accuracy of the information.

(2) Any contest under this subsection shall be limited to whether the Administration has mistaken the identity of the obligor or the individual whose license or privilege to drive has been suspended.

(d) (1) An obligor may appeal a decision of the Administration to suspend the obligor’s license or privilege to drive.

(2) At a hearing under this subsection, the issue shall be limited to whether the Administration has mistaken the identity of the obligor or the individual whose license or privilege to drive has been suspended.

(e) The Administration shall reinstate an obligor's license or privilege to drive in the State if:

(1) The Administration receives a court order to reinstate the license or privilege to drive; or

(2) The Child Support Administration notifies the Administration that:

(i) The individual whose license or privilege to drive was suspended is not in arrears in making child support payments;

(ii) The obligor has paid the support arrearage in full;

(iii) The obligor has demonstrated good faith by paying the ordered amount of support for 6 consecutive months;

(iv) The obligor is a participant in full compliance in an employment program approved by the Child Support Administration; or

(v) One of the grounds under ~~§ 10-119(c)(1)(i)~~ ~~§ 10-119(c)(3)~~ of the Family Law Article exists.

(f) The Secretary of Transportation, in cooperation with the Secretary of Human Services ~~and the Office of Administrative Hearings~~, shall adopt regulations to implement this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.