

SENATE BILL 139

D4, R4
SB 164/23 – JPR

(PRE-FILED)

4lr0726

By: **Senator Watson**

Requested: September 27, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2024

CHAPTER _____

1 AN ACT concerning

2 **Driver's Licenses – Suspension for Child Support Arrearages – Exception**

3 FOR the purpose of establishing a certain exception to the authority of the Child Support
4 Administration to notify the Motor Vehicle Administration of an individual's child
5 support arrearages for the purpose of suspending the individual's driver's license or
6 privilege to drive if the obligor's income is at or below a certain level; authorizing the
7 Child Support Administration to consider certain information in determining the
8 income of an obligor under this Act; and generally relating to the suspension of a
9 driver's license or privilege to drive for child support arrearages.

10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section 10–119
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2023 Supplement)

15 ~~BY repealing and reenacting, without amendments,~~
16 ~~Article – Transportation~~
17 ~~Section 16–203(a)~~
18 ~~Annotated Code of Maryland~~
19 ~~(2020 Replacement Volume and 2023 Supplement)~~

20 ~~BY repealing and reenacting, with amendments,~~
21 ~~Article – Transportation~~

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 16-203(b), (c), and (f)~~
~~Annotated Code of Maryland~~
~~(2020 Replacement Volume and 2023 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) THIS SECTION DOES NOT APPLY TO AN OBLIGOR WHOSE
INDIVIDUAL INCOME FOR THE CURRENT YEAR IS NOT GREATER THAN 250% OF THE
FEDERAL POVERTY GUIDELINES UNLESS THE OBLIGOR WAS JUDICIALLY
DETERMINED, AT THE TIME THE MOST RECENT CHILD SUPPORT ORDER WAS
ENTERED, TO BE VOLUNTARILY IMPOVERISHED UNDER § 12-204 OF THIS ARTICLE.~~

~~(2) TO DETERMINE THE INCOME OF AN OBLIGOR UNDER THIS
SUBSECTION, THE ADMINISTRATION MAY CONSIDER:~~

~~(i) THE INCOME OF THE OBLIGOR AT THE TIME THE MOST
RECENT CHILD SUPPORT ORDER WAS ENTERED; OR~~

~~(ii) INFORMATION ON THE OBLIGOR’S INCOME PROVIDED BY
THE OBLIGOR, THE COMPTROLLER, OR AN EMPLOYER OF THE OBLIGOR.~~

~~(c)~~ (1) Subject to the provisions of subsection ~~[(c)]~~ ~~(d)~~ 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)] (D)~~ (1) Before supplying any information to the Motor Vehicle Administration under this section, 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

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

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

(ii) The Administration shall:

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

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

3. consider the obligee's response.

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

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

(ii) An appeal shall be made in writing and shall be received by the Office of Administrative Hearings within ~~20~~ 30 days after the notice to the obligor of the results of the investigation.

(4) If, after the investigation or appeal to the Office of Administrative Hearings, the Administration finds that one of the grounds under paragraph (1)(i) of this subsection exists, the Administration may not send any information about the obligor to the Motor Vehicle Administration.

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

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

(ii) the obligor is complying with the agreement or court order.

~~[(d)] (E)~~ (1) If, 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 ~~[(c)(1)(i)] (D)(1)(i)~~ of this section exists, the Administration shall notify the Motor Vehicle Administration to reinstate the obligor's license or privilege to drive.

(2) The Administration may 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)] (F)~~ The Secretary of Human Services, in cooperation with the Secretary of Transportation, ~~THE COMPTROLLER~~, and the Office of Administrative Hearings, shall adopt regulations to implement this section.

(F) (1) THIS SECTION DOES NOT APPLY TO AN OBLIGOR WHOSE INDIVIDUAL INCOME FOR THE CURRENT YEAR IS NOT GREATER THAN 250% OF THE FEDERAL POVERTY GUIDELINES UNLESS THE OBLIGOR WAS JUDICIALLY DETERMINED AT THE TIME THE MOST RECENT CHILD SUPPORT ORDER WAS ENTERED TO BE VOLUNTARILY IMPOVERISHED UNDER § 12-204 OF THIS ARTICLE.

(2) TO DETERMINE THE INCOME OF AN OBLIGOR UNDER THIS SUBSECTION, THE ADMINISTRATION MAY CONSIDER:

(I) THE INCOME OF THE OBLIGOR AT THE TIME THE MOST RECENT CHILD SUPPORT ORDER WAS ENTERED; OR

(II) INFORMATION ON THE OBLIGOR'S INCOME PROVIDED BY THE OBLIGOR, THE COMPTROLLER, OR AN EMPLOYER OF THE OBLIGOR.

~~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) 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(D)(1)(i) of the Family Law Article exists.~~

~~(f) The Secretary of Transportation, in cooperation with the Secretary of Human Services, THE COMPTROLLER, 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, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.