

HOUSE BILL 311

D4

4lr1326
CF SB 174

By: **Delegates Simpson and Taylor**

Introduced and read first time: January 15, 2024

Assigned to: Judiciary

A BILL ENTITLED

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

14 BY repealing and reenacting, without amendments,
15 Article – Family Law
16 Section 12–201(q)
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2023 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Transportation
21 Section 16–203
22 Annotated Code of Maryland
23 (2020 Replacement Volume and 2023 Supplement)

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

26 **Article – Family Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10–119.

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

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

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

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

12 (i) the Administration has accepted an assignment of support under
13 § 5–312(b)(2) of the Human Services Article; or

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

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

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

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

22 (c) (1) **(I) 1.** Before supplying any information to the Motor Vehicle
23 Administration under this section, the Administration shall[:

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

27 1. the information regarding the reported arrearage is
28 inaccurate;

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

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

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

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

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

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

9 (ii) The Administration shall:

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

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

13 3. consider the obligee's response.

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

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

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

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

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

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

31 (ii) the obligor is complying with the agreement or court order]
32 **PETITION THE COURT TO MAKE A FINDING THAT SUSPENSION OF THE OBLIGOR'S**

LICENSE OR PRIVILEGE TO DRIVE IS APPROPRIATE UNDER THE PROVISIONS OF THIS SUBSECTION.

2. NOTICE OF THE PETITION SHALL BE SERVED ON THE OBLIGOR.

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

(2) THE COURT MAY MAKE A FINDING THAT SUSPENSION OF THE OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE IS APPROPRIATE IF THE ADMINISTRATION PROVES BY CLEAR AND CONVINCING EVIDENCE THAT:

(I) THE OBLIGOR HAS THE FUNDS TO PAY THE ARREARAGE BALANCE, BUT IS MAKING THE FREE AND CONSCIOUS CHOICE TO WITHHOLD PAYMENT OR IS VOLUNTARILY IMPOVERISHED, AS DEFINED IN § 12-201(Q) OF THIS ARTICLE;

(II) THE OBLIGOR'S FUNDS ARE NOT SUBJECT TO OTHER COLLECTION AND ENFORCEMENT MECHANISMS; AND

(III) SUSPENSION OF THE OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE IN ORDER TO COLLECT THE ARREARAGE IS IN THE BEST INTEREST OF THE CHILD.

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

(I) THE OBLIGOR PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT SUSPENSION OF THE OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE WOULD PLACE AN UNDUE HARDSHIP ON THE OBLIGOR OR THE FAMILY BECAUSE OF ANY OF THE FOLLOWING FACTORS:

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

2. THE OBLIGOR HAS A DOCUMENTED DISABILITY 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;

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

3 5. THE OBLIGOR IS UNABLE TO COMPLY WITH THE
4 TERMS OF A COURT ORDER;

5 6. SUSPENSION OF THE OBLIGOR'S LICENSE OR
6 PRIVILEGE TO DRIVE WOULD BE AN IMPEDIMENT TO THE OBLIGOR'S ABILITY TO
7 VISIT THE MINOR CHILD OR ASSIST THE CUSTODIAL PARENT WITH THE
8 TRANSPORTATION NEEDS OF THE MINOR CHILD; OR

9 7. ANY OTHER CIRCUMSTANCE THAT THE COURT
10 DETERMINES WOULD PLACE AN UNDUE HARDSHIP ON THE OBLIGOR OR THE FAMILY;

11 (II) THE INFORMATION REGARDING THE REPORTED
12 ARREARAGE IS INACCURATE; OR

13 (III) 1. THE ADMINISTRATION REACHES AN AGREEMENT
14 WITH THE OBLIGOR, INCLUDING THROUGH A PAYMENT INCENTIVE PROGRAM FOR A
15 SCHEDULED PAYMENT OF THE ARREARAGES, OR THE COURT ISSUES AN ORDER FOR
16 A SCHEDULED PAYMENT OF THE ARREARAGES; AND

17 2. THE COURT DETERMINES THAT THE OBLIGOR IS
18 COMPLYING WITH THE AGREEMENT OR THE ORDER.

19 (d) (1) (I) [If, after] AFTER information about an obligor is supplied to the
20 Motor Vehicle Administration, IF THE ADMINISTRATION OR THE COURT FINDS THAT
21 the obligor's arrearage is paid in full, the obligor has demonstrated good faith by paying
22 the ordered amount of support for 6 consecutive months, the obligor is a participant in full
23 compliance in an employment program approved by the Administration, or the
24 Administration finds that one of the grounds under subsection [(c)(1)(i)] (C)(3) of this
25 section exists, the Administration shall notify the Motor Vehicle Administration to
26 reinstate the obligor's license or privilege to drive.

27 (II) THE OBLIGOR MAY MAKE A REQUEST FOR REINSTATEMENT
28 OF THE OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE WITH THE ADMINISTRATION
29 OR WITH THE COURT.

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

33 (i) for an obligor who is enrolled in and compliant with an
34 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.

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 of the proposed action to the obligor, 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.

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

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

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

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

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

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

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

13 (v) One of the grounds under [§ 10–119(c)(1)(i)] **§ 10–119(c)(3)** of
14 the Family Law Article exists.

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2024.