

SENATE BILL 174

D4

(PRE-FILED)

4lr1327
CF 4lr1326

By: **Senator Muse**

Requested: October 31, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

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:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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.

(3) THE ADMINISTRATION MAY NOT USE A RANDOMIZED LOTTERY SYSTEM TO SELECT OBLIGORS FOR THE PURPOSE OF NOTIFICATION OF THE MOTOR VEHICLE ADMINISTRATION UNDER THIS SECTION.

(c) (1) **(I)** 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 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]

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.

(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; AND

(II) THE ADMINISTRATION HAS EXHAUSTED ALL OTHER AVAILABLE COLLECTION AND ENFORCEMENT MECHANISMS TO COLLECT THE ARREARAGE BALANCE.

(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. THE OBLIGOR IS UNABLE TO COMPLY WITH THE TERMS OF A COURT ORDER;

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

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

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

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

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

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

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

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

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

31 (2) [The] ON REQUEST OF THE OBLIGOR, THE Administration [may]
32 SHALL request that the Motor Vehicle Administration expunge a record of a suspension of
33 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] **COURTS**, 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.

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

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

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

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

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

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

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

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

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

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

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