

HOUSE BILL 804

D4

8lr0843

By: **Delegates Rosenberg, Anderson, Gibson, Sydnor, and M. Washington**

Introduced and read first time: February 1, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support Administration – Suspension of Driver’s License or Privilege to**
3 **Drive for Arrears – Exemption**

4 FOR the purpose of exempting an obligor whose income is at or below a certain percent of
5 the federal poverty level from having the obligor’s driver’s license or privilege to drive
6 in the State suspended for being out of compliance with the most recent order of the
7 court in making child support payments; making conforming changes; and generally
8 relating to the suspension of driver’s licenses or the privilege to drive in the State for
9 the failure to pay child support.

10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section 10–119
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2017 Supplement)

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

Article – Family Law

18 10–119.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) **THIS SECTION DOES NOT APPLY TO AN OBLIGOR WHOSE INCOME IS AT**
2 **OR BELOW 200% OF THE FEDERAL POVERTY LEVEL.**

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

8 (i) the Administration has accepted an assignment of support under
9 § 5–312(b)(2) of the Human Services Article; or

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

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

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

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

18 [(c)] (D) (1) Before supplying any information to the Motor Vehicle
19 Administration under this section, the Administration shall:

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

23 1. the information regarding the reported arrearage is
24 inaccurate;

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

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

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

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

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

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

4 (ii) The Administration shall:

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

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

8 3. consider the obligee's response.

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

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

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

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

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

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

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

27 [(d)] (E) If, after information about an obligor is supplied to the Motor Vehicle
28 Administration, the obligor's arrearage is paid in full, the obligor has demonstrated good
29 faith by paying the ordered amount of support for 6 consecutive months, the obligor is a
30 participant in full compliance in the Noncustodial Parent Employment Assistance Pilot
31 Program established under § 10-112.2 of this title, or the Administration finds that one of
32 the grounds under subsection [(c)(1)(i)] (D)(1)(I) of this section exists, the Administration
33 shall notify the Motor Vehicle Administration to reinstate the obligor's license or privilege
34 to drive.

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2018.