

SENATE BILL 884

D4, R4

2lr1968
CF 2lr1967

By: **Senators Watson and Smith**

Introduced and read first time: February 7, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

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 family income is at or below a certain level; and
7 generally relating to the suspension of a driver's license or privilege to drive for child
8 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 2021 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Transportation
16 Section 16–203(a) and (b)
17 Annotated Code of Maryland
18 (2020 Replacement Volume and 2021 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Transportation
21 Section 16–203(e)
22 Annotated Code of Maryland
23 (2020 Replacement Volume and 2021 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) **THIS SECTION DOES NOT APPLY TO AN OBLIGOR WHOSE INCOME IS NOT**
8 **GREATER THAN 300% OF THE FEDERAL POVERTY LEVEL.**

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

14 (i) the Administration has accepted an assignment of support under
15 § 5–312(b)(2) of the Human Services Article; or

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

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

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

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

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

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

29 1. the information regarding the reported arrearage is
30 inaccurate;

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

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

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

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

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

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

11 (ii) The Administration shall:

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

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

15 3. consider the obligee's response.

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

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

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

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

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

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

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

2 **[(d)] (E)** (1) If, after information about an obligor is supplied to the Motor
3 Vehicle Administration, the obligor's arrearage is paid in full, the obligor has demonstrated
4 good faith by paying the ordered amount of support for 6 consecutive months, the obligor is
5 a participant in full compliance in an employment program approved by the
6 Administration, or the Administration finds that one of the grounds under subsection
7 **[(c)(1)(i)] (D)(1)(I)** of this section exists, the Administration shall notify the Motor Vehicle
8 Administration to reinstate the obligor's license or privilege to drive.

9 (2) The Administration may request that the Motor Vehicle
10 Administration expunge a record of a suspension of a license or privilege to drive for failure
11 to pay child support:

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

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

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

19 **Article – Transportation**

20 16–203.

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

23 (b) On notification by the Child Support Administration in accordance with §
24 10–119 of the Family Law Article that an obligor is 60 days or more out of compliance with
25 the most recent order of the court in making child support payments, the Administration:

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

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

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

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

- 1 (2) The Child Support Administration notifies the Administration that:
- 2 (i) The individual whose license or privilege to drive was suspended
3 is not in arrears in making child support payments;
- 4 (ii) The obligor has paid the support arrearage in full;
- 5 (iii) The obligor has demonstrated good faith by paying the ordered
6 amount of support for 6 consecutive months;
- 7 (iv) The obligor is a participant in full compliance in an employment
8 program approved by the Child Support Administration; or
- 9 (v) One of the grounds under § [10–119(c)(1)(i)] **10–119(D)(1)(I)** of
10 the Family Law Article exists.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2022.