

SENATE BILL 884

D4, R4

2lr1968
CF HB 1293

By: **Senators Watson and Smith**

Introduced and read first time: February 7, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2022

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 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

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.



(2020 Replacement Volume and 2021 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) THIS SECTION DOES NOT APPLY TO AN OBLIGOR WHOSE INCOME IS NOT
GREATER THAN 300% OF THE FEDERAL POVERTY LEVEL UNLESS THE OBLIGOR HAS
BEEN JUDICIALLY DETERMINED TO BE VOLUNTARILY IMPOVERISHED UNDER §
12–204 OF THIS ARTICLE.**

(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:

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

4 1. the information regarding the reported arrearage is
5 inaccurate;

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

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

10 A. documented disability resulting in a verified inability to
11 work; or

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

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

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

18 (ii) The Administration shall:

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

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

22 3. consider the obligee's response.

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

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

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

31 (4) If, after the investigation or appeal to the Office of Administrative
32 Hearings, the Administration finds that one of the grounds under paragraph (1)(i) of this

1 subsection exists, the Administration may not send any information about the obligor to
2 the Motor Vehicle Administration.

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

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

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

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

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

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

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

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

26 **Article – Transportation**

27 16–203.

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

30 (b) On notification by the Child Support Administration in accordance with §
31 10–119 of the Family Law Article that an obligor is 60 days or more out of compliance with
32 the most recent order of the court in making child support payments, the Administration:

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.