

HOUSE BILL 813

D4, R4

4lr2406

By: Delegates Toles and Henson, Henson, Conaway, Taylor, Kaufman, Phillips, and Williams

Introduced and read first time: January 31, 2024

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2024

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 income is at or below a certain level; authorizing the
7 Child Support Administration to consider certain information in determining the
8 income of an obligor under this Act; and generally relating to the suspension of a
9 driver's license or privilege to drive for child support arrearages.

10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section 10–119
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2023 Supplement)

15 ~~BY repealing and reenacting, without amendments,~~
16 ~~Article – Transportation~~
17 ~~Section 16–203(a)~~
18 ~~Annotated Code of Maryland~~
19 ~~(2020 Replacement Volume and 2023 Supplement)~~

20 ~~BY repealing and reenacting, with amendments,~~
21 ~~Article – Transportation~~

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.



~~Section 16-203(b), (e), and (f)~~
~~Annotated Code of Maryland~~
~~(2020 Replacement Volume and 2023 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) (1) THIS SECTION DOES NOT APPLY TO AN OBLIGOR WHOSE
 INDIVIDUAL INCOME FOR THE CURRENT YEAR IS NOT GREATER THAN 250% OF THE
 FEDERAL POVERTY GUIDELINES UNLESS THE OBLIGOR WAS JUDICIALLY
 DETERMINED, AT THE TIME THE MOST RECENT CHILD SUPPORT ORDER WAS
 ENTERED, TO BE VOLUNTARILY IMPOVERISHED UNDER § 12-204 OF THIS ARTICLE.~~

~~(2) TO DETERMINE THE INCOME OF AN OBLIGOR UNDER THIS
 SUBSECTION, THE ADMINISTRATION MAY CONSIDER:~~

~~(I) THE INCOME OF THE OBLIGOR AT THE TIME THE MOST
 RECENT CHILD SUPPORT ORDER WAS ENTERED; OR~~

~~(II) INFORMATION ON THE OBLIGOR’S INCOME PROVIDED BY
 THE OBLIGOR, THE COMPTROLLER, OR AN EMPLOYER OF THE OBLIGOR.~~

~~(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 60 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.

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

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

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

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

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

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

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

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

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

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

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

33 ~~[(e)] (F)~~ The Secretary of Human Services, in cooperation with the Secretary of
 34 Transportation, ~~THE COMPTROLLER,~~ and the Office of Administrative Hearings, shall
 35 adopt regulations to implement this section.

1 **(F) (1) THIS SECTION DOES NOT APPLY TO AN OBLIGOR WHOSE**
 2 **INDIVIDUAL INCOME FOR THE CURRENT YEAR IS NOT GREATER THAN 250% OF THE**
 3 **FEDERAL POVERTY GUIDELINES UNLESS THE OBLIGOR WAS JUDICIALLY**
 4 **DETERMINED AT THE TIME THE MOST RECENT CHILD SUPPORT ORDER WAS**
 5 **ENTERED TO BE VOLUNTARILY IMPOVERISHED UNDER § 12-204 OF THIS ARTICLE.**

6 **(2) TO DETERMINE THE INCOME OF AN OBLIGOR UNDER THIS**
 7 **SUBSECTION, THE ADMINISTRATION MAY CONSIDER:**

8 **(I) THE INCOME OF THE OBLIGOR AT THE TIME THE MOST**
 9 **RECENT CHILD SUPPORT ORDER WAS ENTERED; OR**

10 **(II) INFORMATION ON THE OBLIGOR'S INCOME PROVIDED BY**
 11 **THE OBLIGOR, THE COMPTROLLER, OR AN EMPLOYER OF THE OBLIGOR.**

12 **Article — Transportation**

13 ~~16-203.~~

14 ~~(a) In this section, "Child Support Administration" means the Child Support~~
 15 ~~Administration of the Department of Human Services.~~

16 ~~(b) On notification by the Child Support Administration in accordance with §~~
 17 ~~10-119 of the Family Law Article that an obligor is [60] 120 days or more out of compliance~~
 18 ~~with the most recent order of the court in making child support payments, the~~
 19 ~~Administration:~~

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

21 ~~(2) May issue a work restricted license or work restricted privilege to~~
 22 ~~drive.~~

23 ~~(c) The Administration shall reinstate an obligor's license or privilege to drive in~~
 24 ~~the State if:~~

25 ~~(1) The Administration receives a court order to reinstate the license or~~
 26 ~~privilege to drive; or~~

27 ~~(2) The Child Support Administration notifies the Administration that:~~

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

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

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

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

5 ~~(v) One of the grounds under [§ 10-119(e)(1)(i)] § 10-119(D)(1)(i)~~
6 ~~of the Family Law Article exists.~~

7 ~~(f) The Secretary of Transportation, in cooperation with the Secretary of Human~~
8 ~~Services, THE COMPTROLLER, and the Office of Administrative Hearings, shall adopt~~
9 ~~regulations to implement this section.~~

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2024. ~~It shall remain effective for a period of 2 years and, at the end of September~~
12 ~~30, 2026, this Act, with no further action required by the General Assembly, shall be~~
13 ~~abrogated and of no further force and effect.~~

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.