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**By: Senator Pica**

Introduced and read first time: February 7, 1996

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

**2 Driver's License - Failure to Pay Child Support - Length of Suspension**

3 FOR the purpose of clarifying that the suspension of a driver's license or privilege to  
4 drive for failure to pay child support is exempt from the general limitation that a  
5 driver's license or privilege to drive may not be suspended for more than one year.

6 BY repealing and reenacting, without amendments,  
7 Article - Transportation  
8 Section 16-203  
9 Annotated Code of Maryland  
10 (1992 Replacement Volume and 1995 Supplement)  
11 (As enacted by Chapter 491 of the Acts of the General Assembly of 1995)

12 BY repealing and reenacting, with amendments,  
13 Article - Transportation  
14 Section 16-208(a)  
15 Annotated Code of Maryland  
16 (1992 Replacement Volume and 1995 Supplement)

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

19 **Article - Transportation**

20 16-203.

21 (a) In this section, "Child Support Enforcement Administration" means the Child  
22 Support Enforcement Administration of the Department of Human Resources.

23 (b) On notification by the Child Support Enforcement Administration in  
24 accordance with § 10-119 of the Family Law Article that an obligor is 60 days or more in  
25 arrears 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 drive.

1 (c) Prior to the suspension of a license or the privilege to drive in the State and  
2 the issuance of a work-restricted license or work-restricted privilege to drive under  
3 subsection (b) of this section, the Administration shall:

4 (1) Send written notice of the proposed action to the obligor, including  
5 notice of the obligor's right to contest the accuracy of the information; and

6 (2) Give the obligor a reasonable opportunity to contest the accuracy of the  
7 information.

8 (d) (1) An obligor may appeal a decision of the Administration to suspend the  
9 obligor's license or privilege to drive.

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

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

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

17 (2) The Child Support Enforcement Administration notifies the  
18 Administration that:

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

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

22 (iii) The obligor has demonstrated good faith by paying the ordered  
23 amount of support for 6 consecutive months.

24 (f) The Secretary of Transportation, in cooperation with the Secretary of Human  
25 Resources and the Office of Administrative Hearings, shall adopt regulations to  
26 implement this section.

27 16-208.

28 (a) (1) Except as provided in paragraph (2) of this subsection and §16-206(b)  
29 of this subtitle, the Administration may not suspend a license or privilege to drive for a  
30 period of more than 1 year.

31 (2) Subject to the provisions of paragraph (3) of this subsection, after notice  
32 and hearing, the Administration may suspend for an indefinite period the license or  
33 privilege of any individual who cannot drive safely because of his physical or mental  
34 condition.

35 (3) If the Administration suspends or revokes a license of an individual  
36 based upon evaluation of competent medical evidence that the individual's driving may be  
37 adversely affected by the individual's epilepsy, the period of suspension or revocation may  
38 not exceed 90 days unless the individual experiences a seizure within 90 days after the  
39 period of suspension or revocation begins.

1 (4) If the Administration refuses to issue or renew the license of an  
2 individual based upon evaluation of competent medical evidence that the individual's  
3 driving may be adversely affected by the individual's epilepsy, the period of the refusal to  
4 issue or renew the license may not exceed 90 days unless the individual experiences a  
5 seizure within 90 days after the refusal to issue or renew the license.

6 (5) After the period of suspension, revocation, or refusal to issue or renew a  
7 license under paragraph (3) or (4) of this subsection, and if an individual is otherwise  
8 eligible, the Administration:

9 (i) Shall immediately issue to the individual a noncommercial Class C  
10 or Class M license;

11 (ii) Subject to the provisions of paragraph (6) of this subsection, may,  
12 upon request, immediately issue to the individual a license other than a noncommercial  
13 Class C or Class M license; and

14 (iii) Subject to the provisions of paragraph (6) of this subsection, shall,  
15 upon request, issue to the individual a license other than a noncommercial Class C or  
16 Class M license after a period not to exceed nine months.

17 (6) Before the Administration issues a license to an individual under  
18 paragraph (5)(ii) or (iii) of this subsection, the Administration may:

19 (i) Require the individual to be tested; and

20 (ii) Restrict the license issued to the individual after the individual  
21 becomes eligible to drive following a period of suspension, revocation, or refusal to issue  
22 or renew a license under paragraph (3) or (4) of this subsection by:

23 1. Designating the specific class of commercial or  
24 noncommercial license to be issued to the individual;

25 2. Designating the endorsements permitted on the individual's  
26 license; and

27 3. Imposing any other restriction authorized under § 16-113 of  
28 this title.

29 (7) The Administration shall adopt regulations to administer the provisions  
30 of paragraphs (3) through (6) of this subsection.

31 (8) This subsection does not apply to or affect the suspension of any license:

32 (i) For failure to comply with the required security provisions of Title  
33 17 of this article;

34 (ii) For failure to appear at a hearing as provided in Title 12, Subtitle  
35 2 of this article;

36 (iii) For failure to obey a citation, as provided in Title 26 of this article;  
37 [or]

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1 (iv) For failure to pay a fine in accordance with the court's directive as  
2 provided in Title 27 of this article; OR

3 (V) FOR FAILURE TO PAY CHILD SUPPORT, AS PROVIDED IN §  
4 16-203 OF THIS TITLE.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 1996.