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**By: Senator Pica**

Introduced and read first time: February 7, 1996

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 14, 1996

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 19, 1996

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CHAPTER \_\_\_\_

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.

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1 (b) On notification by the Child Support Enforcement Administration in  
2 accordance with § 10-119 of the Family Law Article that an obligor is 60 days or more in  
3 arrears in making child support payments, the Administration:

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

5 (2) May issue a work-restricted license or work-restricted privilege to drive.

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

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

11 (2) Give the obligor a reasonable opportunity to contest the accuracy of the  
12 information.

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

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

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

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

22 (2) The Child Support Enforcement Administration notifies the  
23 Administration that:

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

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

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

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

32 16-208.

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

36 (2) Subject to the provisions of paragraph (3) of this subsection, after notice  
37 and hearing, the Administration may suspend for an indefinite period the license or

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1 privilege of any individual who cannot drive safely because of his physical or mental  
2 condition.

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

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

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

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

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

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

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

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

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

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

32 2. Designating the endorsements permitted on the individual's  
33 license; and

34 3. Imposing any other restriction authorized under § 16-113 of  
35 this title.

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

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

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1 (i) For failure to comply with the required security provisions of Title  
2 17 of this article;

3 (ii) For failure to appear at a hearing as provided in Title 12, Subtitle  
4 2 of this article;

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

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

9 (V) FOR FAILURE TO PAY CHILD SUPPORT, AS PROVIDED IN §  
10 16-203 OF THIS TITLE.

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