

HOUSE BILL 402

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2004 Regular Session
4r1835
CF 4r1811

By: **Delegate Dumais**

Introduced and read first time: January 29, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support - Arrearages - Notice to the Motor Vehicle Administration**

3 FOR the purpose of prohibiting the Child Support Enforcement Administration from
4 sending to the Motor Vehicle Administration a notice that an obligor is a certain
5 number of days out of compliance with a court order in making child support
6 payments under certain circumstances involving the incarceration of the obligor
7 at the time the arrearage began and accumulated; and generally relating to
8 child support arrearages.

9 BY repealing and reenacting, with amendments,
10 Article - Family Law
11 Section 10-119
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2003 Supplement)

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

16 **Article - Family Law**

17 10-119.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) "License" has the meaning stated in § 11-128 of the Transportation
20 Article.

21 (3) "Motor Vehicle Administration" means the Motor Vehicle
22 Administration of the Department of Transportation.

23 (b) (1) Subject to the provisions of subsection (c) of this section, the
24 Administration shall notify the Motor Vehicle Administration of any obligor who is 60
25 days or more out of compliance with the most recent order of the court in making child
26 support payments if:

1 (i) the Administration has accepted an assignment of support
2 under Article 88A, § 50(b)(2) of the Code; or

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

5 (2) Upon notification by the Administration under this subsection, the
6 Motor Vehicle Administration:

7 (i) shall suspend the obligor's license or privilege to drive in the
8 State; and

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

11 (c) (1) Before supplying any information to the Motor Vehicle
12 Administration under this section, the Administration shall:

13 (i) send written notice of the proposed action to the obligor,
14 including notice of the obligor's right to contest the accuracy of the reported arrearage
15 by requesting an investigation; and

16 (ii) give the obligor a reasonable opportunity to contest the
17 accuracy of the information.

18 (2) (i) Upon receipt of a request for investigation from the obligor, the
19 Administration shall conduct an investigation as to the accuracy of the reported
20 arrearage.

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

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

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

29 (4) If, after the investigation or appeal to the Office of Administrative
30 Hearings, the Administration finds that it erred in making a decision, the
31 Administration may not send any information about the obligor to the Motor Vehicle
32 Administration.

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

1 (i) 1. the Administration reaches an agreement with the obligor
2 regarding a scheduled payment of the obligor's child support arrearage or a court
3 issues an order for a scheduled payment of the child support arrearage; and

4 [(ii)] 2. the obligor is complying with the agreement or court order;

5 (II) THE OBLIGOR IS INCARCERATED AND THE CHILD SUPPORT
6 ARREARAGE UNDER SUBSECTION (B)(1) OF THIS SECTION BEGAN AND
7 ACCUMULATED DURING THE PERIOD OF INCARCERATION; OR

8 (III) 1. THE OBLIGOR WAS INCARCERATED WHEN THE CHILD
9 SUPPORT ARREARAGE UNDER SUBSECTION (B)(1) OF THIS SECTION BEGAN AND
10 ACCUMULATED AND THE OBLIGOR SUBSEQUENTLY WAS RELEASED FROM
11 INCARCERATION; AND

12 2. WITHIN 180 DAYS AFTER BEING RELEASED FROM
13 INCARCERATION THE OBLIGOR REACHES AN AGREEMENT WITH THE
14 ADMINISTRATION REGARDING A SCHEDULED PAYMENT OF THE OBLIGOR'S CHILD
15 SUPPORT ARREARAGE OR A COURT ISSUES AN ORDER FOR A SCHEDULED PAYMENT
16 OF THE CHILD SUPPORT ARREARAGE AND THE OBLIGOR IS COMPLYING WITH THE
17 AGREEMENT OR COURT ORDER.

18 (d) If after information about an obligor is supplied to the Motor Vehicle
19 Administration the obligor's arrearage is paid in full or the obligor has demonstrated
20 good faith by paying the ordered amount of support for 6 consecutive months, the
21 Administration shall notify the Motor Vehicle Administration to reinstate the
22 obligor's license or privilege to drive.

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2004.