

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
Third Reader

Senate Bill 79

(Chair, Judicial Proceedings Committee)(By Request -  
Departmental - Human Services)

Judicial Proceedings

Judiciary

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**Child Support - Employment Program Participation - Reinstatement of Driver's  
License and Expungement of Suspension**

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This departmental bill requires the Motor Vehicle Administration (MVA), on request of the Child Support Administration (CSA), to expunge a driving record of a suspension for failure to pay child support if specified conditions are met. The bill also requires MVA to reinstate an obligor's license or privilege to drive in specified circumstances, including if an obligor is a participant in full compliance with an approved employment program.

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**Fiscal Summary**

**State Effect:** The bill's requirements can be handled with existing budgeted resources. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** The Department of Human Services (DHS) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

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**Analysis**

**Bill Summary:** CSA may request that MVA expunge a record of a suspension of a license or privilege to drive for failure to pay child support for an obligor who is enrolled in and compliant with an employment program approved by CSA. MVA must expunge a driving record of such suspensions if the licensee has not been convicted of driving on a license that was suspended for failure to pay child support and does not have any related charges

pending. MVA must also expunge the record on notification from CSA that the information it reported that led to the suspension was inaccurate. A request by CSA to expunge the record pursuant to these provisions may not affect any suspension unrelated to child support.

The bill expands the circumstances under which CSA must notify MVA to reinstate an obligor's license or privilege to drive by requiring it to do so if the obligor is a participant in full compliance of an employment program approved by CSA; MVA must reinstate an obligor's license or privilege to drive on receipt of such notification. It must also reinstate the license or privilege on notification that (1) information regarding the reported arrearage is inaccurate; (2) suspension of the obligor's license or privilege to drive would be an impediment to the obligor's current or potential employment; or (3) suspension of the obligor's license or privilege to drive would place an undue hardship on the obligor, as specified.

Because the relevant statutes include specific references to the Noncustodial Parent Employment Assistance Pilot Program, which was established by Chapter 312 of 2016 and is set to terminate in 2019, the bill also includes conforming language regarding participation in employment programs that does not include references to the pilot program, as well as alternate termination and effective dates.

**Current Law:** On notification by CSA that an obligor is 60 days or more out of compliance with the most recent order of the court in making child support payments, MVA must suspend an obligor's license or privilege to drive and may issue a work-restricted license or work-restricted privilege to drive. MVA must reinstate an obligor's license or privilege to drive if it receives a court order to do so or if CSA notifies MVA that (1) the individual is not in arrears in making child support payments; (2) the obligor has paid the support arrearage in full; or (3) the obligor has demonstrated good faith by paying the ordered amount of support for six consecutive months.

Before providing any information to MVA, CSA must send written notice of the proposed action to an obligor, including notice of the obligor's right to request an investigation on any of the following grounds: (1) the information regarding the reported arrearage is inaccurate; (2) suspension of the obligor's license or privilege to drive would be an impediment to the obligor's current or potential employment; or (3) suspension of the obligor's license or privilege to drive would place an undue hardship on the obligor because of the obligor's documented disability resulting in a verified inability to work or inability to comply with the court order.

**Background:** DHS advises that the bill is intended to remove employment barriers for noncustodial parents who are participating in approved employment programs and to encourage obligors in arrears to participate in such programs.

Chapter 312 of 2016 established the Noncustodial Parent Employment Assistance Pilot Program in Baltimore City. The program's purpose is to provide eligible unemployed or underemployed noncustodial parents assistance in obtaining employment that will enable the noncustodial parents to achieve economic self-sufficiency and meet their child support obligations. The pilot program terminates September 31, 2019.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Human Services; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - January 16, 2018  
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**ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES**

**TITLE OF BILL:** Child Support- Expungement of Driving Records – Exception –  
Employment Program Participation

**BILL NUMBER:** SB 79

**PREPARED BY:** Department of Human Services  
(Dept./Agency)

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS