



Auto Consumer Alliance
13900 Laurel Lakes Avenue, Suite 100
Laurel, MD 20707

**Testimony to the House Judiciary Committee
SB 174 – Child Support – Suspension of Driver’s Licenses –
Position: Favorable**

The Honorable Will Smith
Judicial Proceedings Committee
2 East, Miller Senate Building
Annapolis, MD 21401
cc: Members, Judicial Proceedings Committee

February 7, 2024

Dear Chairman Smith and Committee Members,

I'm a consumer advocate and Executive Director of Consumer Auto, a non-profit group that works to foster safety, transparency, and fair treatment for Maryland drivers and car buyers.

We support **SB 174** because it takes strong steps to protect drivers who are obligated to pay child support against the burdensome and counter-productive punishment of losing their license to drive – a sanction that not only can put drivers at risk of serious further punishment but undermines their ability to earn a living – and to meet their child support and other family obligations.

Paying child support is of course an important obligation. But for many MD parents, it's a difficult burden to meet. As a 2019 Abell Foundation report found, many noncustodial parents “struggle to find and maintain full-time work at sufficient wages to support themselves and pay their child support obligations.”¹ With the median income of non-custodial parents statewide less than \$23,000 and 25% receiving supplemental food benefits (as the Abell report found in 2019²), it's not surprising that many parents fall behind in their child support payments.

And when they do, Maryland law makes it very easy for them to lose their licenses, allowing driver's licenses to be suspended when parents are 60 days behind in their payments. Unfortunately, when a parent loses the right to drive, that makes it much harder for him or her to get to work and access the job opportunities that could enable them to meet their needs and child support obligations or to visit their children or to uphold other family obligations.

Once a person's license is suspended, he or she is also subject to a up to one year in jail and a \$1,000 fine for driving on a suspended or revoked license. When people violate the law by driving – as many do, in part because they need to drive to get to work and meet their obligations – that often extends a cycle of financial

¹ https://abell.org/wp-content/uploads/2022/02/Child20Support20Report202_20_202020edits2020-20web20version.pdf

² Ibid,



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shortfalls and punishment that leaves people with even greater legal difficulties and more deeply in debt. This cycle predictably leaves them less able to pay their child support and meet other needs.

Especially given that if a parent actually is earning significant income -- but is not using that money to pay their child support -- that income can often be withheld or garnished to help meet those debts, in most cases it's hard to see how making it more difficult for that person to earn a living by suspending a debtor's driver's license does anything but hurt his or her ability to pay child support.

Unlike some bills that seek to reform this practice that this committee has considered in recent years, which have sought to set conditions or limits on driver's license suspensions, this bill addresses the problem in a more fundamental way: By authorizing the MVA to be notified of a child support arrearage only if a court affirmatively finds that a license suspension is appropriate under the law.

The bill further sets out clear and relatively narrow conditions under which a license can be suspended. It mandates that the court make such a finding only if the obligor: has the funds to pay the child support obligation; if those funds aren't subject to other collection and enforcement mechanisms; and if a license suspension is actually in the best interest of the child in question. It prohibits such an order if the debtor can establish (among other conditions), that a license suspension would interfere with his/her employment or ability to visit or help transport the child, that the minor child being supported is living with the debtor, or that the debtor has a documented disability that interferes with his/her ability to work. It also requires the debtor to be properly notified of a petition for suspension of his/her license and extends from 60 days to 120 day the time a person with a non-commercial license must be behind on his/her child support obligations before being subject to such sanctions.

Under our current practices, about 20,000 Marylanders each year lose their driving privileges as a result of child support issues – and some have their licenses suspended without even knowing that this has happened. This causes greater financial and legal jeopardy for many Marylanders – and doesn't help children get the support they need.

This bill would add protections that should limit those suspensions to a much smaller state of cases where parents are genuinely making a conscious and irresponsible choice not to pay their child support.

We support **SB 174** and ask that you give it a **FAVORABLE** report.

Sincerely,

Franz Schneiderman
Consumer Auto