
By: Delegates Shriver, Menes, Rudolph, and C. Mitchell

Introduced and read first time: February 22, 1996

Assigned to: Judiciary

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 requiring that an individual be out of compliance with a certain court order in order
7 to suspend driving privileges; limiting the issues that may be raised at a certain
8 hearing; and generally relating to suspension of driving privileges for failure to pay
9 child support.

10 BY repealing and reenacting, without amendments,

11 Article - Family Law
12 Section 10-101(b)
13 Annotated Code of Maryland
14 (1991 Replacement Volume and 1995 Supplement)
15 (As enacted by Chapter 491 of the Acts of the General Assembly of 1995)

16 BY repealing and reenacting, with amendments,

17 Article - Family Law
18 Section 10-119
19 Annotated Code of Maryland
20 (1991 Replacement Volume and 1995 Supplement)
21 (As enacted by Chapter 491 of the Acts of the General Assembly of 1995)

22 BY repealing and reenacting, without amendments,

23 Article - Transportation
24 Section 11-102
25 Annotated Code of Maryland
26 (1992 Replacement Volume and 1995 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article - Transportation
29 Section 16-203
30 Annotated Code of Maryland

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1 (1992 Replacement Volume and 1995 Supplement)
2 (As enacted by Chapter 491 of the Acts of the General Assembly of 1995)

3 BY repealing and reenacting, with amendments,
4 Article - Transportation
5 Section 16-208(a)
6 Annotated Code of Maryland
7 (1992 Replacement Volume and 1995 Supplement)

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

10 **Article - Family Law**

11 10-101.

12 (b) "Administration" means the Child Support Enforcement Administration of
13 the Department of Human Resources.

14 10-119.

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

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

18 (3) "Motor Vehicle Administration" means the Motor Vehicle
19 Administration of the Department of Transportation.

20 (b) (1) Subject to the provisions of subsection (c) of this section, the
21 Administration shall notify the Motor Vehicle Administration of any obligor who is 60
22 days or more [in arrears] OUT OF COMPLIANCE WITH THE MOST RECENT ORDER OF
23 THE COURT in making child support payments if:

24 (i) the Administration has accepted an assignment of support under
25 Article 88A, § 48(2) of the Code; or

26 (ii) the recipient of support payments has filed an application for
27 support enforcement services with the administration.

28 (2) Upon notification by the Administration under this subsection, the
29 Motor Vehicle Administration:

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

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

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

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

4 (ii) give the obligor a reasonable opportunity to contest the accuracy of
5 the information.

6 (2) (i) Upon receipt of a request for investigation from the obligor, the
7 Administration shall conduct an investigation as to the accuracy of thereported
8 arrearage.

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

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

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

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

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

22 (i) the Administration reaches an agreement with the obligor
23 regarding a scheduled payment of the obligor's child support arrearage or a court issues
24 an order for a scheduled payment of the child support arrearage; and

25 (ii) the obligor is complying with the agreement or court order.

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

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

34 **Article - Transportation**

35 11-102.

36 "Administration" means the Motor Vehicle Administration.

4

1 16-203.

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

4 (b) On notification by the Child Support Enforcement Administration in
5 accordance with § 10-119 of the Family Law Article that an obligor is 60 days or more [in
6 arrears] OUT OF COMPLIANCE WITH THE MOST RECENT ORDER OF THE COURT in
7 making child support payments, the Administration:

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

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

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

13 (1) Send]SEND written notice of the proposed action to the obligor,
14 including notice of the obligor's right to contest the accuracy of the information[; and].

15 (2) [Give the obligor a reasonable opportunity to contest the accuracy of
16 the information] ANY CONTEST UNDER THIS SUBSECTION SHALL BE LIMITED TO
17 WHETHER THE ADMINISTRATION HAS MISTAKEN THE IDENTITY OF THE OBLIGOR
18 OR THE INDIVIDUAL WHOSE LICENSE OR PRIVILEGE TO DRIVE HAS BEEN
19 SUSPENDED.

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

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

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

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

29 (2) The Child Support Enforcement Administration notifies the
30 Administration that:

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

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

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

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

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1 16-208.

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

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

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

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

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

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

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

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

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

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

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

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

38 2. Designating the endorsements permitted on the individual's
39 license; and

