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**By: Delegates Menes, Shriver, Hecht, Perry, Harrison, Rosapepe, Finifter, Hubbard, Dypski, Hurson, Cadden, Stup, Healey, Parker, Pitkin, Grosfeld, B. Hughes, Howard, Workman, Frush, Faulkner, Benson, Bobo, and Petzold**

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Child Support Arrearage - Revocation and Denial of Professional and Recreational**  
3 **Licenses**

4 FOR the purpose of authorizing the Child Support Enforcement Administration to  
5 request certain information from certain licensing units; requiring certain licensing  
6 units to submit a certain report to the Administration; requiring the Administration  
7 to provide certain notification to certain licensing units under certain  
8 circumstances; requiring certain licensing units to revoke or deny the professional  
9 or recreational licenses of obligors who are in arrears in child support payments  
10 over a certain amount; requiring a revocation of a license to be made in accordance  
11 with certain provisions of law; requiring certain licensing units to provide obligors  
12 certain information prior to the revocation or denial of a license; providing for a  
13 certain investigation; providing for a certain appeal to the Office of Administrative  
14 Hearings; prohibiting the Administration from providing certain information under  
15 certain circumstances; providing for the reinstatement of a professional or  
16 recreational license under certain circumstances; requiring the Secretary of Human  
17 Resources to adopt certain regulations; defining certain terms; and generally  
18 relating to the revocation or denial of a professional or recreational license for  
19 failure to pay child support.

20 BY adding to

21 Article - Family Law  
22 Section 10-119.3  
23 Annotated Code of Maryland  
24 (1991 Replacement Volume and 1996 Supplement)

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

27 **Article - Family Law**

28 10-119.3.

29 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
30 INDICATED.

2

1 (2) "LICENSE" MEANS ANY LICENSE, CERTIFICATE, REGISTRATION,  
2 PERMIT, OR OTHER AUTHORIZATION ISSUED BY A LICENSING UNIT THAT AN  
3 INDIVIDUAL MUST OBTAIN TO:

4 (I) PRACTICE OR ENGAGE IN A PARTICULAR BUSINESS,  
5 OCCUPATION, OR PROFESSION; OR

6 (II) ENGAGE IN A REGULATED RECREATIONAL ACTIVITY FOR  
7 WHICH A LICENSE, REGISTRATION, OR PERMIT IS REQUIRED, INCLUDING:

8 1. HUNTING;

9 2. FISHING; OR

10 3. BOATING.

11 (3) "LICENSING UNIT" MEANS A UNIT WITHIN THE:

12 (I) DEPARTMENT OF LABOR, LICENSING, AND REGULATION;

13 (II) DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

14 (III) DEPARTMENT OF HUMAN RESOURCES;

15 (IV) DEPARTMENT OF TRANSPORTATION;

16 (V) DEPARTMENT OF THE ENVIRONMENT;

17 (VI) OFFICE OF THE COMPTROLLER OF THE TREASURY;

18 (VII) DEPARTMENT OF AGRICULTURE;

19 (VIII) MARYLAND INSURANCE ADMINISTRATION;

20 (IX) PUBLIC SERVICE COMMISSION;

21 (X) OFFICE OF THE SECRETARY OF STATE;

22 (XI) DEPARTMENT OF EDUCATION;

23 (XII) DEPARTMENT OF NATURAL RESOURCES;

24 (XIII) OFFICE OF THE ATTORNEY GENERAL;

25 (XIV) ATTORNEY GRIEVANCE COMMISSION;

26 (XV) DEPARTMENT OF STATE POLICE; AND

27 (XVI) OFFICES OF THE CLERKS OF THE COURT THAT ARE  
28 AUTHORIZED TO ISSUE A LICENSE FOR PROFESSIONAL OR RECREATIONAL USES.

29 (B) THE ADMINISTRATION MAY REQUEST FROM A LICENSING UNIT  
30 INFORMATION CONCERNING AN OBLIGOR IN ARREARS IN PAYING CHILD SUPPORT  
31 THROUGH A SUPPORT ENFORCEMENT AGENCY.

3

1 (C) ON RECEIPT OF A REQUEST UNDER SUBSECTION (B) OF THIS SECTION, A  
2 LICENSING UNIT SHALL SUBMIT A REPORT TO THE ADMINISTRATION THAT  
3 CONTAINS THE:

- 4 (1) FULL NAME OF THE OBLIGOR;
- 5 (2) ADDRESS OF THE OBLIGOR, IF KNOWN;
- 6 (3) SOCIAL SECURITY NUMBER OF THE OBLIGOR, IF KNOWN; AND
- 7 (4) DESCRIPTION OF THE LICENSE HELD BY THE OBLIGOR.

8 (D) THE ADMINISTRATION SHALL NOTIFY A LICENSING UNIT REGARDING AN  
9 OBLIGOR WHO IS A HOLDER OF OR APPLICANT FOR A LICENSE FROM THE  
10 LICENSING UNIT AND WHO IS 60 DAYS OR MORE OUT OF COMPLIANCE WITH THE  
11 MOST RECENT ORDER OF THE COURT IN MAKING CHILD SUPPORT PAYMENTS, IF:

12 (1) THE ADMINISTRATION HAS ACCEPTED AN ASSIGNMENT OF  
13 SUPPORT UNDER ARTICLE 88A, § 50(B)(2) OF THE CODE; OR

14 (2) THE RECIPIENT OF SUPPORT PAYMENTS HAS FILED AN  
15 APPLICATION FOR SUPPORT ENFORCEMENT SERVICES WITH THE ADMINISTRATION.

16 (E) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (F) THROUGH (I) OF THIS  
17 SECTION, UPON NOTIFICATION BY THE ADMINISTRATION UNDER SUBSECTION (D)  
18 OF THIS SECTION, A LICENSING UNIT SHALL:

19 (1) REVOKE THE LICENSE OR CERTIFICATE OF AN OBLIGOR WHO  
20 HOLDS A LICENSE FROM THE UNIT; OR

21 (2) DENY THE LICENSE OF AN OBLIGOR WHO IS AN APPLICANT FOR A  
22 LICENSE FROM THE UNIT.

23 (F) PRIOR TO THE REVOCATION OR DENIAL OF A LICENSE UNDER  
24 SUBSECTION (E) OF THIS SECTION, A LICENSING UNIT SHALL:

25 (1) NOTIFY THE OBLIGOR THAT:

26 (I) A CERTIFICATION HAS BEEN MADE BY THE ADMINISTRATION;

27 (II) THE OBLIGOR IS IN ARREARS FOR THE AMOUNT CERTIFIED BY  
28 THE ADMINISTRATION;

29 (III) THE LICENSING UNIT SHALL INITIATE PROCEEDINGS  
30 REQUIRED FOR THE REVOCATION OF THE OBLIGOR'S LICENSE OR DENY THE  
31 OBLIGOR'S APPLICATION FOR A LICENSE; AND

32 (IV) THE OBLIGOR MAY APPEAL TO THE ADMINISTRATION IF THE  
33 OBLIGOR DISPUTES THE EXISTENCE OR AMOUNT OF THE ARREARAGE; AND

34 (2) GIVE THE OBLIGOR A REASONABLE OPPORTUNITY TO CONTEST  
35 THE ACCURACY OF THE INFORMATION.

4

1 (G) (1) ON RECEIPT OF A REQUEST FOR INVESTIGATION FROM THE  
2 OBLIGOR, THE ADMINISTRATION SHALL CONDUCT AN INVESTIGATION AS TO THE  
3 ACCURACY OF THE REPORTED ARREARAGE.

4 (2) ON COMPLETION OF THE INVESTIGATION, THE ADMINISTRATION  
5 SHALL NOTIFY THE OBLIGOR OF THE RESULTS OF THE INVESTIGATION AND THE  
6 OBLIGOR'S RIGHT TO APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS.

7 (H) (1) AN APPEAL UNDER THIS SECTION SHALL BE CONDUCTED IN  
8 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

9 (2) AN APPEAL SHALL BE MADE IN WRITING AND SHALL BE RECEIVED  
10 BY THE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS AFTER THE NOTICE  
11 TO THE OBLIGOR OF THE RESULTS OF THE INVESTIGATION.

12 (I) IF, AFTER THE APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS,  
13 THE FINDINGS DETERMINE THAT THE ADMINISTRATION ERRED IN MAKING A  
14 DECISION, THE ADMINISTRATION MAY NOT SEND ANY INFORMATION ABOUT THE  
15 OBLIGOR TO A LICENSING UNIT.

16 (J) THE ADMINISTRATION MAY NOT SEND ANY INFORMATION ABOUT AN  
17 OBLIGOR TO A LICENSING UNIT IF:

18 (1) THE ADMINISTRATION REACHES AN AGREEMENT WITH THE  
19 OBLIGOR REGARDING A SCHEDULED PAYMENT OF THE OBLIGOR'S CHILD SUPPORT  
20 ARREARAGE; AND

21 (2) THE OBLIGOR IS COMPLYING WITH THE AGREEMENT OR COURT  
22 ORDER.

23 (K) THE ADMINISTRATION SHALL NOTIFY THE LICENSING UNIT TO  
24 REINSTATE A LICENSE SUSPENDED UNDER THIS SECTION IF:

25 (1) THE ADMINISTRATION RECEIVES A COURT ORDER TO REINSTATE  
26 THE SUSPENDED LICENSE;

27 (2) THE OBLIGOR HAS PAID THE SUPPORT ARREARAGE IN FULL; OR

28 (3) THE OBLIGOR HAS DEMONSTRATED A GOOD FAITH EFFORT BY  
29 PAYING THE ORDERED AMOUNT OF SUPPORT FOR 6 CONSECUTIVE MONTHS.

30 (L) A LICENSING UNIT SHALL REINSTATE A LICENSE SUSPENDED UNDER THIS  
31 SECTION IF:

32 (1) THE LICENSING UNIT IS NOTIFIED BY THE ADMINISTRATION THAT  
33 THE LICENSE SHOULD BE REINSTATED; AND

34 (2) THE OBLIGOR IS OTHERWISE QUALIFIED FOR THE LICENSE.

35 (M) THE SECRETARY OF HUMAN RESOURCES SHALL ADOPT REGULATIONS  
36 TO IMPLEMENT THIS SECTION, IN COOPERATION WITH THE OFFICE OF  
37 ADMINISTRATIVE HEARINGS AND EACH LICENSING UNIT.

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1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 1997.