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By: **Delegates Shriver, Franchot, and Hixson**  
Introduced and read first time: February 10, 2000  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Family Law - Child Support Arrearage - Distraint, Seizure, and Sale of**  
3                                   **Obligor's Vehicle**

4 FOR the purpose of authorizing local child support enforcement offices to place an  
5 immobilizing boot on the vehicle of an obligor as a method of enforcement for  
6 child support arrearages; requiring the local office to provide certain notice to  
7 the obligor; establishing certain procedures and guidelines for implementation  
8 of this Act; requiring the local office to attempt to negotiate a certain settlement  
9 with the obligor; requiring local child support enforcement agencies to adopt  
10 certain regulations and standards for implementation of this Act; defining  
11 certain terms; and generally relating to child support arrearages.

12 BY adding to  
13 Article - Family Law  
14 Section 10-116.1  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 1999 Supplement)

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

19                                   **Article - Family Law**

20 10-116.1.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
22 INDICATED.

23 (2) "ADMINISTRATION" MEANS THE MOTOR VEHICLE ADMINISTRATION.

24 (3) "ABANDONED VEHICLE" HAS THE MEANING STATED IN § 25-201 OF  
25 THE TRANSPORTATION ARTICLE.

26 (4) "BOOT" MEANS A METAL DEVICE APPLIED TO THE WHEEL OF A  
27 VEHICLE THAT IMMOBILIZES OR IMPEDES THE MOVEMENT OF THE VEHICLE.

1 (5) "OFFICE" MEANS A LOCAL SUPPORT ENFORCEMENT OFFICE.

2 (B) A LOCAL SUPPORT ENFORCEMENT OFFICE MAY PLACE A BOOT ON THE  
3 VEHICLE OF AN OBLIGOR:

4 (1) UPON NOTIFICATION THAT THE OBLIGOR IS 60 DAYS OR MORE OUT  
5 OF COMPLIANCE WITH THE MOST RECENT ORDER OF THE COURT IN MAKING CHILD  
6 SUPPORT PAYMENTS;

7 (2) IF CONVENTIONAL ENFORCEMENT REMEDIES HAVE FAILED OR ARE  
8 NOT APPROPRIATE; AND

9 (3) A LIEN HAS BEEN RECORDED PURSUANT TO §10-141 OF THIS  
10 SUBTITLE.

11 (C) (1) A VEHICLE MAY NOT BE TARGETED FOR PLACEMENT OF A BOOT  
12 UNDER THIS SECTION UNLESS THE VEHICLE IS:

13 (I) SOLELY OWNED BY THE OBLIGOR;

14 (II) CO-OWNED BY THE OBLIGOR AND THE OBLIGOR'S CURRENT  
15 SPOUSE; OR

16 (III) OWNED BY A BUSINESS IN WHICH THE OBLIGOR IS THE SOLE  
17 PROPRIETOR.

18 (2) VEHICLES CO-OWNED WITH SOMEONE OTHER THAN THE OBLIGOR'S  
19 CURRENT SPOUSE MAY NOT BE TARGETED FOR PLACEMENT OF A BOOT.

20 (D) (1) THE DIRECTOR OF THE APPROPRIATE OFFICE SHALL ESTABLISH  
21 GUIDELINES FOR DOCUMENTATION AND CONFIRMATION OF ALL ACTIONS TAKEN TO  
22 COLLECT CHILD SUPPORT ARREARAGES FROM THE OBLIGOR PRIOR TO  
23 IMPLEMENTATION OF THE PROCEDURES SET FORTH IN THIS SECTION.

24 (2) THE APPROVAL OF THE DIRECTOR OF THE OFFICE OR THE  
25 DIRECTOR'S DESIGNEE IS REQUIRED BEFORE INITIATING THE PROCESS OF PLACING  
26 A BOOT ON THE VEHICLE OF AN OBLIGOR.

27 (E) (1) UPON MAKING A DETERMINATION TO INITIATE THE PROCESS OF  
28 PLACING A BOOT ON A VEHICLE, THE OFFICE SHALL:

29 (I) RECORD A LIEN PURSUANT TO § 10-141 OF THIS SUBTITLE;

30 (II) VERIFY WITH THE ADMINISTRATION:

31 1. THAT THE VEHICLE IS REGISTERED IN THE OBLIGOR'S  
32 NAME;

33 2. THE ADDRESS ON THE VEHICLE REGISTRATION; AND

1 3. THE NAME OF ANY HOLDER OF A LIEN ON THE VEHICLE;  
2 AND

3 (III) SEND TO THE OBLIGOR, VIA CERTIFIED MAIL, RETURN RECEIPT  
4 REQUESTED, A NOTICE OF INTENT TO PLACE A BOOT ON THE VEHICLE.

5 (2) THE NOTICE UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION SHALL:

6 (I) BE SENT TO THE LAST KNOWN ADDRESS OF THE OBLIGOR AND  
7 TO EACH SECURED PARTY, AS SHOWN ON THE RECORDS OF THE ADMINISTRATION;  
8 AND

9 (II) 1. STATE THE DATE ON WHICH A BOOT WILL BE PLACED ON  
10 THE VEHICLE, IF THE OBLIGOR DOES NOT CONTACT THE OFFICE IN RESPONSE TO  
11 THE NOTICE;

12 2. DESCRIBE THE YEAR, MAKE, MODEL, AND VEHICLE  
13 IDENTIFICATION NUMBER OF THE VEHICLE ON WHICH A BOOT WILL BE PLACED;

14 3. INFORM THE OWNER OF THE OWNER'S RIGHT TO HAVE  
15 THE BOOT REMOVED, ON PAYMENT OF ADMINISTRATIVE FEES AND NEGOTIATION OF  
16 A SETTLEMENT FOR CHILD SUPPORT ARREARAGES FROM THE OBLIGOR; AND

17 4. STATE THAT FAILURE ON THE PART OF THE OWNER TO  
18 TAKE THE STEPS SPECIFIED IN ITEM 3 OF THIS ITEM IN THE TIME PROVIDED AFTER  
19 PLACEMENT OF THE BOOT, WILL RESULT IN THE VEHICLE BEING DEEMED  
20 ABANDONED AND SUBJECT TO THE PROVISIONS OF TITLE 25, SUBTITLE 2 OF THE  
21 TRANSPORTATION ARTICLE REGARDING ABANDONED VEHICLES.

22 (F) (1) THE OFFICE SHALL ATTEMPT TO NEGOTIATE A SETTLEMENT WITH  
23 THE OBLIGOR IF THE OBLIGOR CONTACTS THE OFFICE WITHIN THE TIME PERIOD  
24 SPECIFIED IN THE INTENT NOTICE.

25 (2) AN ACCEPTABLE SETTLEMENT IS 5 PERCENT OF THE ARREARAGE  
26 OWED OR \$500, WHICHEVER IS GREATER, WITH ADDITIONAL MONTHLY PAYMENTS  
27 TOWARDS THE ARREARAGE THAT WILL SATISFY THE ARREARAGE WITHIN 10 YEARS.

28 (3) THE OFFICE MAY PLACE A BOOT ON THE VEHICLE WITHOUT  
29 FURTHER NOTICE TO THE OBLIGOR IF THE OBLIGOR DEFAULTS ON PAYMENTS AS  
30 AGREED IN A SETTLEMENT NEGOTIATED UNDER THIS SUBSECTION.

31 (G) IF THE OBLIGOR DOES NOT CONTACT THE OFFICE IN RESPONSE TO THE  
32 NOTICE OF INTENT SENT TO THE OBLIGOR UNDER SUBSECTION (E) OF THIS SECTION,  
33 THE OFFICE SHALL:

34 (1) REQUEST ISSUANCE OF A WRIT OF EXECUTION FROM EACH COUNTY  
35 OR MUNICIPAL CORPORATION IN WHICH A LIEN IS FILED AND A LEVY IS BEING  
36 EXECUTED UNDER THIS SUBTITLE; AND

1           (2)     HAVE THE SHERIFF PLACE A BOOT ON THE VEHICLE AND PLACE A  
2 NOTIFICATION ON THE VEHICLE, IN A CLEAR AND CONSPICUOUS MANNER, THAT  
3 THE PROPERTY IS BEING SEIZED FOR FAILURE TO PAY CHILD SUPPORT.

4     (H)     THE OFFICE SHALL SEND A CANCELLATION NOTICE TO THE SHERIFF IF:

5           (1)     A DECISION IS MADE IN ACCORDANCE WITH THIS SECTION TO  
6 TERMINATE THE PROCESS OF PLACING THE BOOT BEFORE THE BOOT IS ACTUALLY  
7 PLACED; OR

8           (2)     A SETTLEMENT IS REACHED BETWEEN THE OFFICE AND THE  
9 OBLIGOR.

10     (I)     THE OFFICE SHALL ESTABLISH ADDITIONAL REGULATIONS AND  
11 STANDARDS IN CONFORMITY WITH THOSE ADOPTED UNDER §10-116 OF THIS  
12 SUBTITLE FOR IMPLEMENTATION OF THIS SECTION.

13     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2000.