
By: **Senator Jacobs**
Introduced and read first time: February 4, 2000
Assigned to: Judicial Proceedings

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; authorizing local child support enforcement agencies to
10 establish and adopt certain rules, regulations, and standards for
11 implementation of this Act; defining certain terms; and generally relating to
12 child support arrearages.

13 BY adding to
14 Article - Family Law
15 Section 10-116.1
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 1999 Supplement)

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

20 **Article - Family Law**

21 10-116.1.

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

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

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

27 (4) "BOOT" MEANS A METAL DEVICE APPLIED TO THE WHEEL OF A
28 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 HAS AN ARREARS OF AT
5 LEAST \$2,500 FOR A CASE WITH A CURRENT SUPPORT OBLIGATION AND AT LEAST
6 \$1,000 FOR AN ARREARS ONLY CASE;

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

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

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

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

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

11 (2) A SETTLEMENT IS REACHED BETWEEN THE OFFICE AND THE
12 OBLIGOR.

13 (I) THE OFFICE SHALL ADOPT ADDITIONAL REGULATIONS AND STANDARDS
14 IN CONFORMITY WITH THOSE ADOPTED UNDER § 10-116 OF THIS SUBTITLE FOR
15 IMPLEMENTATION OF THIS SECTION.

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