Unofficial Copy D4 2000 Regular Session 0lr2203

By: Senator Jacobs

Introduced and read first time: February 4, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1	AN	ACT	concerning
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- 2 Family Law Child Support Arrearage Distraint, Seizure, and Sale of 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
- 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 "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.

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1	(5)	"OFFIC	E" MEA	IS A LOCAL SUPP	ORT ENFORCEMENT OF	FICE.
2 3	(B) A LOC VEHICLE OF AN O			FORCEMENT OFF	ICE MAY PLACE A BOOT	ON THE
	(1) LEAST \$2,500 FOR \$1,000 FOR AN AR	A CASE	WITH A	CURRENT SUPPO	OBLIGOR HAS AN ARRE	
7 8	(2) NOT APPROPRIAT		VENTIO	NAL ENFORCEME	ENT REMEDIES HAVE FA	ILED OR ARE
9 10	SUBTITLE. (3)	IF A LI	EN HAS	BEEN RECORDED	PURSUANT TO § 10-141	OF THIS
11 12	(C) (1) UNDER THIS SEC				TED FOR PLACEMENT C	F A BOOT
13		(I)	SOLEL	OWNED BY THE	OBLIGOR;	
14 15	SPOUSE; OR	(II)	CO-OW	NED BY THE OBL	IGOR AND THE OBLIGOR	R'S CURRENT
16 17	PROPRIETOR.	(III)	OWNEI	BY A BUSINESS	IN WHICH THE OBLIGOR	S IS THE SOLE
18 19	(2) CURRENT SPOUS				MEONE OTHER THAN TH LACEMENT OF A BOOT.	E OBLIGOR'S
22	GUIDELINES FOR COLLECT CHILD	DOCUM SUPPOR	ENTATI Γ ARREA	ON AND CONFIRM RAGES FROM TH	RIATE OFFICE SHALL ES MATION OF ALL ACTION IE OBLIGOR PRIOR TO IH IN THIS SECTION.	
	(2) DIRECTOR'S DESI A BOOT ON THE V	GNEE IS	REQUIF	ED BEFORE INITI	OR OF THE OFFICE OR T ATING THE PROCESS OF	
27 28	(E) (1) PLACING A BOOT				ON TO INITIATE THE PRO LL:	OCESS OF
29		(I)	RECOR	O A LIEN PURSUA	ANT TO § 10-141 OF THIS	SUBTITLE;
30		(II)	VERIFY	WITH THE ADMI	NISTRATION:	
31 32	NAME;		1.	THAT THE VEHIC	CLE IS REGISTERED IN TI	HE OBLIGOR'S
33			2.	THE ADDRESS O	N THE VEHICLE REGISTE	RATION; AND

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1 2	AND		3.	THE NAME OF ANY HOLDER OF A LIEN ON THE VEHICLE;
3 4	REQUESTED, A	(III) A NOTICE OI		TO THE OBLIGOR, VIA CERTIFIED MAIL, RETURN RECEIPT TO PLACE A BOOT ON THE VEHICLE.
5 6	SHALL: (2)	THE NO	OTICE U	NDER PARAGRAPH (1) (III) OF THIS SUBSECTION
7		(I)	BE SEN	IT TO:
8			1.	THE LAST KNOWN ADDRESS OF THE OBLIGOR; AND
9 10	THE ADMINIS	TRATION; A	2. ND	EACH SECURED PARTY, AS SHOWN ON THE RECORDS OF
	THE VEHICLE THE NOTICE;	(II) , IF THE OBI	1. LIGOR D	STATE THE DATE ON WHICH A BOOT WILL BE PLACED ON OES NOT CONTACT THE OFFICE IN RESPONSE TO
14 15		ION NUMBE	2. R OF TH	DESCRIBE THE YEAR, MAKE, MODEL, AND VEHICLE E VEHICLE ON WHICH A BOOT WILL BE PLACED;
	THE BOOT RE			INFORM THE OWNER OF THE OWNER'S RIGHT TO HAVE ENT OF ADMINISTRATIVE FEES AND NEGOTIATION OF ORT ARREARAGES FROM THE OBLIGOR; AND
21 22	TAKE THE ST PLACEMENT ABANDONED	OF THE BOO AND SUBJE	T, WILL CT TO T	STATE THAT FAILURE ON THE PART OF THE OWNER TO THE 3 OF THIS ITEM IN THE TIME PROVIDED AFTER RESULT IN THE VEHICLE BEING DEEMED THE PROVISIONS OF TITLE 25, SUBTITLE 2 OF THE FARDING ABANDONED VEHICLES.
	() ()	R IF THE OBI	JGOR C	HALL ATTEMPT TO NEGOTIATE A SETTLEMENT WITH ONTACTS THE OFFICE WITHIN THE TIME PERIOD E.
	\$500, WHICHE	VER IS GRE	ATER, V	ELE SETTLEMENT IS 10% OF THE ARREARAGE OWED OR WITH ADDITIONAL MONTHLY PAYMENTS TOWARDS FISFY THE ARREARAGE WITHIN 10 YEARS.
	FURTHER NO	TICE TO THE	E OBLIG	AY PLACE A BOOT ON THE VEHICLE WITHOUT OR IF THE OBLIGOR DEFAULTS ON PAYMENTS AS OTIATED UNDER THIS SUBSECTION.
		TENT SENT		S NOT CONTACT THE OFFICE IN RESPONSE TO THE OBLIGOR UNDER SUBSECTION (E) OF THIS SECTION,

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