

HOUSE BILL 555

Unofficial Copy  
D4  
HB 678/00 - JUD

2001 Regular Session  
1r2255  
CF 1r2353

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By: **Delegate Shriver**

Introduced and read first time: February 5, 2001

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Family Law - Child Support Arrearage - Child Support Enforcement Car**  
3                                   **Boot Pilot Program**

4 FOR the purpose of establishing a Child Support Enforcement Car Boot Pilot  
5 Program within the Department of Human Resources; requiring the Program to  
6 be administered by the Child Support Enforcement Administration of the  
7 Department; authorizing certain child support enforcement offices to place an  
8 immobilizing boot on the vehicle of an obligor as a method of enforcement for  
9 child support arrearages; requiring the local office to provide certain notice to  
10 the obligor; establishing certain procedures and guidelines for implementation  
11 of this Act; requiring the local office to attempt to negotiate a certain settlement  
12 with the obligor; requiring local child support enforcement agencies to adopt  
13 certain regulations and standards for implementation of this Act; requiring the  
14 Administration to submit a certain report; establishing immunity for certain  
15 persons under this Act; defining certain terms; providing for the termination of  
16 this Act; and generally relating to the Child Support Enforcement Car Boot Pilot  
17 Program.

18 BY adding to  
19 Article - Courts and Judicial Proceedings  
20 Section 5-511.1  
21 Annotated Code of Maryland  
22 (1998 Replacement Volume and 2000 Supplement)

23 BY adding to  
24 Article - Family Law  
25 Section 10-116.1  
26 Annotated Code of Maryland  
27 (1999 Replacement Volume and 2000 Supplement)

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

1 **Article - Courts and Judicial Proceedings**

2 5-511.1.

3 A SHERIFF IN A JURISDICTION PARTICIPATING IN THE CHILD SUPPORT  
4 ENFORCEMENT CAR BOOT PILOT PROGRAM UNDER § 10-116.1 OF THE FAMILY LAW  
5 ARTICLE IS IMMUNE FROM ANY CIVIL LIABILITY OR CRIMINAL PENALTY THAT MAY  
6 RESULT FROM ANY GOOD FAITH ACTION TAKEN TO EXECUTE THE PROVISIONS OF  
7 THE PILOT PROGRAM UNLESS THE DAMAGE OR INJURY CLAIMED WAS CAUSED BY  
8 WILLFUL OR WANTON MISCONDUCT OR GROSS NEGLIGENCE.

9 **Article - Family Law**

10 10-116.1.

11 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
12 INDICATED.

13 (2) "ABANDONED VEHICLE" HAS THE MEANING STATED IN § 25-201 OF  
14 THE TRANSPORTATION ARTICLE.

15 (3) "ADMINISTRATION" MEANS THE MOTOR VEHICLE ADMINISTRATION.

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

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

19 (B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THERE IS A  
20 CHILD SUPPORT ENFORCEMENT CAR BOOT PILOT PROGRAM WITHIN THE  
21 DEPARTMENT.

22 (2) THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION SHALL  
23 ADMINISTER THE PILOT PROGRAM.

24 (3) THE PILOT PROGRAM SHALL OPERATE IN ANNE ARUNDEL COUNTY  
25 AND BALTIMORE COUNTY.

26 (4) THE PILOT PROGRAM MAY BE UNDERTAKEN IN CONJUNCTION WITH  
27 OTHER INITIATIVES RELATED TO CHILD SUPPORT ENFORCEMENT IN THE STATE.

28 (C) A LOCAL SUPPORT ENFORCEMENT OFFICE IN ANNE ARUNDEL COUNTY  
29 AND BALTIMORE COUNTY MAY PLACE A BOOT ON THE VEHICLE OF AN OBLIGOR:

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

33 (2) IF CONVENTIONAL ENFORCEMENT REMEDIES HAVE FAILED OR ARE  
34 NOT APPROPRIATE; AND

1 (3) A LIEN HAS BEEN RECORDED UNDER § 10-141 OF THIS SUBTITLE.

2 (D) (1) A VEHICLE MAY NOT BE TARGETED FOR PLACEMENT OF A BOOT  
3 UNDER THIS SECTION UNLESS THE VEHICLE IS:

4 (I) SOLELY OWNED BY THE OBLIGOR;

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

7 (III) OWNED BY A BUSINESS IN WHICH THE OBLIGOR IS THE SOLE  
8 PROPRIETOR.

9 (2) A VEHICLE CO-OWNED WITH SOMEONE OTHER THAN THE OBLIGOR'S  
10 CURRENT SPOUSE MAY NOT BE TARGETED FOR PLACEMENT OF A BOOT UNDER THIS  
11 SECTION.

12 (E) (1) THE DIRECTOR OF THE APPROPRIATE OFFICE SHALL ESTABLISH  
13 GUIDELINES FOR DOCUMENTATION AND CONFIRMATION OF ALL ACTIONS TAKEN TO  
14 COLLECT CHILD SUPPORT ARREARAGES FROM THE OBLIGOR PRIOR TO  
15 IMPLEMENTATION OF THE PROCEDURES SET FORTH IN THIS SECTION.

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

19 (F) (1) UPON MAKING A DETERMINATION TO INITIATE THE PROCESS OF  
20 PLACING A BOOT ON A VEHICLE, THE OFFICE SHALL:

21 (I) RECORD A LIEN UNDER § 10-141 OF THIS SUBTITLE IN THE  
22 JURISDICTION IN WHICH THE PILOT PROGRAM IS LOCATED;

23 (II) VERIFY WITH THE ADMINISTRATION:

24 1. THAT THE VEHICLE IS REGISTERED IN THE OBLIGOR'S  
25 NAME;

26 2. THE ADDRESS ON THE VEHICLE REGISTRATION; AND

27 3. THE NAME OF ANY HOLDER OF A LIEN ON THE VEHICLE;  
28 AND

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

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

32 (I) BE SENT TO THE LAST KNOWN ADDRESS OF THE OBLIGOR AND  
33 TO EACH SECURED PARTY, AS SHOWN ON THE RECORDS OF THE ADMINISTRATION;  
34 AND

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

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

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

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

14 (G) (1) THE OFFICE SHALL ATTEMPT TO NEGOTIATE A SETTLEMENT WITH  
15 THE OBLIGOR IF THE OBLIGOR CONTACTS THE OFFICE WITHIN THE TIME PERIOD  
16 SPECIFIED IN THE INTENT NOTICE.

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

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

23 (H) IF THE OBLIGOR DOES NOT CONTACT THE OFFICE IN RESPONSE TO THE  
24 NOTICE OF INTENT SENT TO THE OBLIGOR UNDER SUBSECTION (F) OF THIS SECTION,  
25 THE OFFICE SHALL:

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

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

32 (I) THE OFFICE SHALL SEND A CANCELLATION NOTICE TO THE SHERIFF,  
33 WITH AUTHORIZATION TO REMOVE THE BOOT AT THE EARLIEST REASONABLE TIME,  
34 IF:

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

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

3     (J)     (1)     THE OFFICE SHALL ASSUME THE COSTS OF BOOT PURCHASE,  
4 MAINTENANCE, AND REPAIR IN ORDER TO IMPLEMENT THE PROVISIONS OF THIS  
5 SECTION.

6           (2)     THE OFFICE SHALL SUPPLY THE APPROPRIATE NUMBER OF BOOTS  
7 NEEDED TO CARRY OUT THE PROVISIONS OF THIS SECTION TO THE SHERIFF'S  
8 OFFICE OF THE JURISDICTIONS WITHIN THE PILOT PROGRAM.

9     (K)     A SHERIFF WHO EXECUTES THE PROVISIONS OF THIS SECTION SHALL  
10 HAVE THE IMMUNITY DESCRIBED UNDER § 5-511.1 OF THE COURTS ARTICLE FROM  
11 CIVIL LIABILITY OR CRIMINAL PENALTY.

12    (L)     (1)     ON OR BEFORE JULY 1, 2002, AND ANNUALLY THEREAFTER, THE  
13 SECRETARY SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE  
14 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE OPERATION AND  
15 PERFORMANCE OF THE PILOT PROGRAM.

16           (2)     THE REPORT SHALL ASSESS THE PILOT PROGRAM FOR ITS  
17 EFFECTIVENESS AND SUCCESS IN ENHANCING CHILD SUPPORT COLLECTION  
18 THROUGH THE AUTHORIZATION TO BOOT AN OBLIGOR'S VEHICLE IN THE  
19 JURISDICTIONS WITHIN THE PILOT PROGRAM.

20    (M)     THE OFFICE SHALL ESTABLISH ADDITIONAL REGULATIONS AND  
21 STANDARDS IN CONFORMITY WITH THOSE ADOPTED UNDER § 10-116 OF THIS  
22 SUBTITLE FOR IMPLEMENTATION OF THE PILOT PROGRAM.

23     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 July 1, 2001. It shall remain effective for a period of 2 years and, at the end of June  
25 30, 2003, with no further action required by the General Assembly, this Act shall be  
26 abrogated and of no further force and effect.