

SENATE BILL 502

Unofficial Copy
D4
HB 678/00 - JUD

2001 Regular Session
11r2353
CF 11r2255

By: **Senator Bromwell**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

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 (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.