

SENATE BILL 782

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R4

2001 Regular Session
11r2310
CF 11r1937

By: **Senator Bromwell**

Introduced and read first time: February 9, 2001

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Child Support Obligors - Vehicle Registration**

3 FOR the purpose of prohibiting the Motor Vehicle Administration from registering or
4 transferring the registration of a vehicle of an applicant whose driver's license or
5 privilege to drive is suspended under certain provisions of law for being out of
6 compliance for a certain period of time with a court order to make child support
7 payments; and generally relating to vehicle registration and child support
8 enforcement.

9 BY repealing and reenacting, with amendments,
10 Article - Transportation
11 Section 13-406
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2000 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article - Transportation
16 Section 16-203
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2000 Supplement)

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

21 **Article - Transportation**

22 13-406.

23 The Administration shall refuse to register or transfer the registration of any
24 vehicle if:

- 25 (1) The application contains any false or fraudulent statement;
- 26 (2) The applicant has failed to furnish information or documents
27 required or requested by the Administration;

- 1 (3) Any required fee has not been paid;
- 2 (4) The applicant is not entitled to registration of the vehicle under the
3 Maryland Vehicle Law;
- 4 (5) The vehicle is mechanically unfit or unsafe to be operated on the
5 highways;
- 6 (6) The registration of the vehicle is suspended or revoked;
- 7 (7) A warrant for a motor vehicle violation under the Maryland Vehicle
8 Law has been issued against the applicant and has not been served on the applicant;
- 9 (8) Subject to § 13-406.1 of this subtitle, the applicant is named in an
10 outstanding arrest warrant;
- 11 (9) The Administration has reasonable grounds to believe:
- 12 (i) That the vehicle is stolen;
- 13 (ii) That the grant or transfer of registration would be a fraud
14 against another person; or
- 15 (iii) That the vehicle does not comply with Title 2, Subtitle 7 of the
16 Environment Article or any regulation adopted under that subtitle; [or]
- 17 (10) The gross vehicle weight is 55,000 pounds or over and the applicant
18 has failed to furnish proof of payment of the Federal Heavy Vehicle Use Tax; OR
- 19 (11) **THE APPLICANT'S DRIVER'S LICENSE OR PRIVILEGE TO DRIVE IN THE**
20 **STATE IS SUSPENDED UNDER § 16-203 OF THIS ARTICLE.**
- 21 16-203.
- 22 (a) In this section, "Child Support Enforcement Administration" means the
23 Child Support Enforcement Administration of the Department of Human Resources.
- 24 (b) On notification by the Child Support Enforcement Administration in
25 accordance with § 10-119 of the Family Law Article that an obligor is 60 days or more
26 out of compliance with the most recent order of the court in making child support
27 payments, the Administration:
- 28 (1) Shall suspend an obligor's license or privilege to drive in the State;
29 and
- 30 (2) May issue a work-restricted license or work-restricted privilege to
31 drive.
- 32 (c) (1) Prior to the suspension of a license or the privilege to drive in the
33 State and the issuance of a work-restricted license or work-restricted privilege to
34 drive under subsection (b) of this section, the Administration shall send written notice

1 of the proposed action to the obligor, including notice of the obligor's right to contest
2 the accuracy of the information.

3 (2) Any contest under this subsection shall be limited to whether the
4 Administration has mistaken the identity of the obligor or the individual whose
5 license or privilege to drive has been suspended.

6 (d) (1) An obligor may appeal a decision of the Administration to suspend
7 the obligor's license or privilege to drive.

8 (2) At a hearing under this subsection, the issue shall be limited to
9 whether the Administration has mistaken the identity of the obligor or the individual
10 whose license or privilege to drive has been suspended.

11 (e) The Administration shall reinstate an obligor's license or privilege to drive
12 in the State if:

13 (1) The Administration receives a court order to reinstate the license or
14 privilege to drive; or

15 (2) The Child Support Enforcement Administration notifies the
16 Administration that:

17 (i) The individual whose license or privilege to drive was
18 suspended is not in arrears in making child support payments;

19 (ii) The obligor has paid the support arrearage in full; or

20 (iii) The obligor has demonstrated good faith by paying the ordered
21 amount of support for 6 consecutive months.

22 (f) The Secretary of Transportation, in cooperation with the Secretary of
23 Human Resources and the Office of Administrative Hearings, shall adopt regulations
24 to implement this section.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2001.