
By: **Prince George's County Delegation**
Introduced and read first time: February 4, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Child Support Enforcement - Car Boot Pilot**
3 **Program**
4 **PG 308-02**

5 FOR the purpose of establishing a Child Support Enforcement Car Boot Pilot
6 Program within the Department of Human Resources; requiring the Program to
7 be administered by the Child Support Enforcement Administration of the
8 Department; authorizing the Prince George's County Office of Child Support
9 Enforcement to direct the placement of an immobilizing boot on the vehicle of an
10 obligor under certain circumstances; requiring the Office to provide a certain
11 notice to the obligor; establishing certain procedures for an obligor to contest the
12 accuracy of an arrearage; requiring the Office to attempt to negotiate a certain
13 settlement with the obligor; requiring the Secretary to submit a certain report;
14 defining certain terms; providing for the termination of this Act; and generally
15 relating to the Child Support Enforcement Car Boot Pilot Program.

16 BY adding to
17 Article - Family Law
18 Section 10-119.4
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2001 Supplement)

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

23 **Article - Family Law**

24 10-119.4.

25 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

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

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

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

4 (5) "OFFICE" MEANS THE PRINCE GEORGE'S COUNTY OFFICE OF CHILD
5 SUPPORT ENFORCEMENT.

6 (B) (1) THERE IS A CHILD SUPPORT ENFORCEMENT CAR BOOT PILOT
7 PROGRAM IN THE DEPARTMENT.

8 (2) THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION SHALL
9 ADMINISTER THE PILOT PROGRAM.

10 (3) THE PILOT PROGRAM SHALL OPERATE IN PRINCE GEORGE'S COUNTY.

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

13 (C) THE PRINCE GEORGE'S COUNTY OFFICE OF CHILD SUPPORT
14 ENFORCEMENT MAY DIRECT THE PLACEMENT OF A BOOT ON THE VEHICLE OF AN
15 OBLIGOR IF:

16 (1) THE OBLIGOR IS 60 DAYS OR MORE OUT OF COMPLIANCE WITH THE
17 MOST RECENT ORDER OF THE COURT IN MAKING CHILD SUPPORT PAYMENTS;

18 (2) CONVENTIONAL ENFORCEMENT REMEDIES HAVE FAILED OR ARE
19 NOT APPROPRIATE; AND

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

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

23 (I) SOLELY OWNED BY THE OBLIGOR;

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

26 (III) OWNED BY A BUSINESS IN WHICH THE OBLIGOR IS THE SOLE
27 PROPRIETOR.

28 (2) A VEHICLE CO-OWNED WITH A PERSON OTHER THAN THE OBLIGOR'S
29 CURRENT SPOUSE MAY NOT BE TARGETED FOR PLACEMENT OF A BOOT UNDER THIS
30 SECTION.

31 (E) (1) THE DIRECTOR OF THE OFFICE SHALL ESTABLISH GUIDELINES FOR
32 DOCUMENTATION AND CONFIRMATION OF ALL ACTIONS TAKEN TO COLLECT CHILD
33 SUPPORT ARREARAGES FROM THE OBLIGOR PRIOR TO IMPLEMENTATION OF THE
34 PROCEDURES SET FORTH IN THIS SECTION.

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

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

6 (I) FILE A NOTICE OF A CHILD SUPPORT LIEN UNDER § 10-141 OF
7 THIS SUBTITLE WITH THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY IN
8 WHICH THE VEHICLE IS REGISTERED;

9 (II) VERIFY WITH THE ADMINISTRATION:

10 1. THAT THE VEHICLE IS REGISTERED IN THE OBLIGOR'S
11 NAME;

12 2. THE ADDRESS ON THE VEHICLE REGISTRATION; AND

13 3. THE NAME OF ANY HOLDER OF A LIEN ON THE VEHICLE;
14 AND

15 (III) SEND TO THE OBLIGOR, BY CERTIFIED MAIL, RETURN RECEIPT
16 REQUESTED, A NOTICE OF INTENT TO PLACE A BOOT ON THE VEHICLE.

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

18 (I) BE SENT TO THE LAST KNOWN ADDRESS OF THE OBLIGOR AND
19 TO EACH SECURED PARTY, AS SHOWN ON THE RECORDS OF THE ADMINISTRATION;
20 AND

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

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

26 3. STATE THE TOTAL AMOUNT OF THE ARREARAGE OWED BY
27 THE OBLIGOR;

28 4. INFORM THE OWNER OF THE OWNER'S RIGHT TO
29 CONTEST THE ACCURACY OF THE ARREARAGE; AND

30 5. STATE THAT FAILURE OF THE OBLIGOR TO CONTACT THE
31 OFFICE WITHIN THE TIME PERIOD SPECIFIED IN THE NOTICE WILL RESULT IN THE
32 PLACEMENT OF A BOOT ON THE VEHICLE AND THE VEHICLE BEING DEEMED
33 ABANDONED AND SUBJECT TO THE PROVISIONS OF TITLE 25, SUBTITLE 2 OF THE
34 TRANSPORTATION ARTICLE REGARDING ABANDONED VEHICLES.

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

4 (2) THE OFFICE MAY PLACE A BOOT ON THE VEHICLE WITHOUT
5 FURTHER NOTICE TO THE OBLIGOR IF THE OBLIGOR DEFAULTS ON PAYMENTS AS
6 AGREED IN A SETTLEMENT NEGOTIATED UNDER THIS SUBSECTION.

7 (H) (1) (I) IF THE OBLIGOR CONTESTS THE ACCURACY OF THE
8 ARREARAGE, THE OFFICE SHALL CONDUCT AN INVESTIGATION AS TO THE
9 ACCURACY OF THE ARREARAGE.

10 (II) UPON COMPLETION OF THE INVESTIGATION, THE OFFICE
11 SHALL NOTIFY THE OBLIGOR OF THE RESULTS OF THE INVESTIGATION AND THE
12 OBLIGOR'S RIGHT TO APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS.

13 (2) (I) AN APPEAL UNDER THIS SUBSECTION SHALL BE CONDUCTED
14 IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

15 (II) AN APPEAL SHALL BE MADE IN WRITING AND SHALL BE
16 RECEIVED BY THE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS AFTER
17 THE NOTICE OF THE RESULTS OF THE INVESTIGATION IS MAILED TO THE OBLIGOR.

18 (I) IF THE OBLIGOR DOES NOT CONTACT THE OFFICE IN RESPONSE TO THE
19 NOTICE OF INTENT SENT TO THE OBLIGOR UNDER SUBSECTION (F) OF THIS SECTION,
20 THE OFFICE SHALL:

21 (1) REQUEST ISSUANCE OF A WRIT OF EXECUTION FROM EACH COUNTY
22 IN WHICH A LIEN IS RECORDED; AND

23 (2) DIRECT THE SHERIFF TO PLACE A BOOT ON THE VEHICLE AND
24 PLACE A NOTIFICATION ON THE VEHICLE, IN A CLEAR AND CONSPICUOUS MANNER,
25 THAT THE PROPERTY IS BEING SEIZED FOR FAILURE TO PAY CHILD SUPPORT.

26 (J) THE OFFICE SHALL SEND A CANCELLATION NOTICE TO THE SHERIFF,
27 WITH AUTHORIZATION TO REMOVE THE BOOT AT THE EARLIEST REASONABLE TIME,
28 IF:

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

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

34 (K) THE OFFICE SHALL:

35 (1) ASSUME THE COSTS OF BOOT PURCHASE, MAINTENANCE, AND
36 REPAIR; AND

1 (2) SUPPLY THE BOOTS NECESSARY TO CARRY OUT THE PROVISIONS OF
2 THIS SECTION TO THE SHERIFFS' OFFICES.

3 (L) (1) ON OR BEFORE JULY 1, 2003, AND ANNUALLY THEREAFTER, THE
4 SECRETARY SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE
5 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE OPERATION AND
6 PERFORMANCE OF THE PILOT PROGRAM.

7 (2) THE REPORT SHALL ASSESS THE PILOT PROGRAM FOR ITS
8 EFFECTIVENESS AND SUCCESS IN ENHANCING CHILD SUPPORT COLLECTION.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2002. It shall remain effective for a period of 2 years and, at the end of June
11 30, 2004, with no further action required by the General Assembly, this Act shall be
12 abrogated and of no further force and effect.