

HOUSE BILL 403

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2004 Regular Session
4r1834
CF 4r1812

By: **Delegate Dumais**

Introduced and read first time: January 29, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Support Arrearage - Driver's License Suspensions**

3 FOR the purpose of altering a requirement that the Child Support Enforcement
4 Administration send a certain notice to the Motor Vehicle Administration that a
5 child support obligor is out of compliance with a certain court order in making
6 child support payments to make the notice a discretionary decision of the Child
7 Support Enforcement Administration; requiring the Child Support Enforcement
8 Administration to consider certain circumstances of the obligor and the child of
9 the obligor when making a decision to provide a certain notice to the Motor
10 Vehicle Administration; and generally relating to suspension of an obligor's
11 license or privilege to drive in the State based on a child support arrearage.

12 BY repealing and reenacting, with amendments,
13 Article - Family Law
14 Section 10-119
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2003 Supplement)

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

19 **Article - Family Law**

20 10-119.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) "License" has the meaning stated in § 11-128 of the Transportation
23 Article.

24 (3) "Motor Vehicle Administration" means the Motor Vehicle
25 Administration of the Department of Transportation.

26 (b) (1) Subject to the provisions of subsection (c) of this section, the
27 Administration [shall] MAY notify the Motor Vehicle Administration of any obligor

1 who is 60 days or more out of compliance with the most recent order of the court in
2 making child support payments if:

3 (i) the Administration has accepted an assignment of support
4 under Article 88A, § 50(b)(2) of the Code; or

5 (ii) the recipient of support payments has filed an application for
6 support enforcement services with the Administration.

7 (2) IN MAKING A DETERMINATION TO NOTIFY THE MOTOR VEHICLE
8 ADMINISTRATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE
9 ADMINISTRATION SHALL CONSIDER THE INDIVIDUAL CIRCUMSTANCES OF THE
10 OBLIGOR AND THE CHILD OF THE OBLIGOR, INCLUDING:

11 (I) WHETHER SUSPENSION OF THE OBLIGOR'S LICENSE OR
12 PRIVILEGE TO DRIVE IN THE STATE IS IN THE BEST INTERESTS OF THE CHILD;

13 (II) IF THE SUSPENSION WOULD BE AN IMPEDIMENT TO CURRENT
14 OR POTENTIAL EMPLOYMENT, WHETHER THE OBLIGOR HAS THE PRESENT ABILITY
15 TO PAY IN ORDER TO REINSTATE THE DRIVER'S LICENSE OR PRIVILEGE TO DRIVE;
16 AND

17 (III) WHETHER A SUSPENSION OF THE OBLIGOR'S LICENSE OR
18 PRIVILEGE TO DRIVE IN THE STATE WOULD POSE AN UNDUE HARDSHIP ON THE
19 OBLIGOR BECAUSE OF THE OBLIGOR'S:

20 1. DISABILITY;

21 2. INABILITY TO WORK; OR

22 3. INABILITY TO PAY A SUFFICIENT AMOUNT OF SUPPORT
23 TO REINSTATE THE LICENSE OR PRIVILEGE TO DRIVE.

24 [(2)] (3) Upon notification by the Administration under this subsection,
25 the Motor Vehicle Administration:

26 (i) shall suspend the obligor's license or privilege to drive in the
27 State; and

28 (ii) may issue a work-restricted license or work-restricted privilege
29 to drive in the State in accordance with § 16-203 of the Transportation Article.

30 (c) (1) Before supplying any information to the Motor Vehicle
31 Administration under this section, the Administration shall:

32 (i) send written notice of the proposed action to the obligor,
33 including notice of the obligor's right to contest the accuracy of the reported arrearage
34 by requesting an investigation; and

35 (ii) give the obligor a reasonable opportunity to contest the
36 accuracy of the information.

1 (2) (i) Upon receipt of a request for investigation from the obligor, the
2 Administration shall conduct an investigation as to the accuracy of the reported
3 arrearage.

4 (ii) Upon completion of the investigation, the Administration shall
5 notify the obligor of the results of the investigation and the obligor's right to appeal to
6 the Office of Administrative Hearings.

7 (3) (i) An appeal under this section shall be conducted in accordance
8 with Title 10, Subtitle 2 of the State Government Article.

9 (ii) An appeal shall be made in writing and shall be received by the
10 Office of Administrative Hearings within 20 days after the notice to the obligor of the
11 results of the investigation.

12 (4) If, after the investigation or appeal to the Office of Administrative
13 Hearings, the Administration finds that it erred in making a decision, the
14 Administration may not send any information about the obligor to the Motor Vehicle
15 Administration.

16 (5) The Administration may not send any information about an obligor to
17 the Motor Vehicle Administration if:

18 (i) the Administration reaches an agreement with the obligor
19 regarding a scheduled payment of the obligor's child support arrearage or a court
20 issues an order for a scheduled payment of the child support arrearage; and

21 (ii) the obligor is complying with the agreement or court order.

22 (d) If after information about an obligor is supplied to the Motor Vehicle
23 Administration the obligor's arrearage is paid in full or the obligor has demonstrated
24 good faith by paying the ordered amount of support for 6 consecutive months, the
25 Administration shall notify the Motor Vehicle Administration to reinstate the
26 obligor's license or privilege to drive.

27 (e) The Secretary of Human Resources, in cooperation with the Secretary of
28 Transportation and the Office of Administrative Hearings, shall adopt regulations to
29 implement this section.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2004.