

HOUSE BILL 632

D4, R7

8lr0844

By: **Delegates Weldon and Hecht**

Introduced and read first time: February 1, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Support Enforcement - Multiple Driver's License**
3 **Suspension Notices**

4 FOR the purpose of requiring the Child Support Enforcement Administration to notify
5 immediately the Motor Vehicle Administration if a child support obligor has
6 received a certain number of driver's license suspension notices within a certain
7 period of time and the obligor is a certain number of days out of compliance with
8 a certain child support order; requiring the Motor Vehicle Administration to
9 suspend the license or privilege to drive of the obligor under certain
10 circumstances; authorizing the Motor Vehicle Administration to issue a
11 work-restricted license or privilege to drive under certain circumstances;
12 making certain conforming changes; defining a certain term; and generally
13 relating to child support enforcement and driver's license suspension.

14 BY repealing and reenacting, with amendments,
15 Article - Family Law
16 Section 10-119
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2007 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Transportation
21 Section 16-203
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2007 Supplement)

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

26 **Article - Family Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10–119.

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

3 (2) “License” has the meaning stated in § 11–128 of the Transportation
4 Article.

5 (3) “Motor Vehicle Administration” means the Motor Vehicle
6 Administration of the Department of Transportation.

7 (b) (1) Subject to the provisions of subsection (c) of this section, the
8 Administration may notify the Motor Vehicle Administration of any obligor who is 60
9 days or more out of compliance with the most recent order of the court in making child
10 support payments if:

11 (i) the Administration has accepted an assignment of support
12 under § 5–312(b)(2) of the Human Services Article; or

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

15 (2) Upon notification by the Administration under this subsection, the
16 Motor Vehicle Administration:

17 (i) shall suspend the obligor’s license or privilege to drive in the
18 State; and

19 (ii) may issue a work–restricted license or work–restricted
20 privilege to drive in the State in accordance with § 16–203 of the Transportation
21 Article.

22 (c) (1) **[Before] EXCEPT AS PROVIDED IN SUBSECTION (C–1) OF THIS**
23 **SECTION, BEFORE** supplying any information to the Motor Vehicle Administration
24 under this section, the Administration shall:

25 (i) send written notice of the proposed action to the obligor,
26 including notice of the obligor’s right to request an investigation on any of the
27 following grounds:

28 1. the information regarding the reported arrearage is
29 inaccurate;

30 2. suspension of the obligor’s license or privilege to drive
31 would be an impediment to the obligor’s current or potential employment; or

32 3. suspension of the obligor’s license or privilege to drive
33 would place an undue hardship on the obligor because of the obligor’s:

1 A. documented disability resulting in a verified inability
2 to work; or

3 B. inability to comply with the court order; and

4 (ii) give the obligor a reasonable opportunity to request an
5 investigation of the proposed action of the Administration.

6 (2) (i) Upon receipt of a request for investigation from the obligor,
7 the Administration shall conduct an investigation to determine if any of the grounds
8 under paragraph (1)(i) of this subsection exist.

9 (ii) The Administration shall:

10 1. send a copy of the obligor's request for an
11 investigation to the obligee by first-class mail;

12 2. give the obligee a reasonable opportunity to respond;
13 and

14 3. consider the obligee's response.

15 (iii) Upon completion of the investigation, the Administration
16 shall notify the obligor of the results of the investigation and the obligor's right to
17 appeal to the Office of Administrative Hearings.

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

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

23 (4) If, after the investigation or appeal to the Office of Administrative
24 Hearings, the Administration finds that one of the grounds under paragraph (1)(i) of
25 this subsection exists, the Administration may not send any information about the
26 obligor to the Motor Vehicle Administration.

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

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

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

1 **(C-1) (1) IN THIS SUBSECTION, “OUT OF COMPLIANCE” INCLUDES THE**
2 **FAILURE OF AN OBLIGOR TO MAKE AN ORDERED CHILD SUPPORT PAYMENT IN**
3 **FULL.**

4 **(2) IF AN OBLIGOR HAS RECEIVED THREE SUSPENSION NOTICES**
5 **UNDER THIS SECTION WITHIN A 2-YEAR PERIOD AND THE OBLIGOR IS 30 DAYS**
6 **OR MORE OUT OF COMPLIANCE WITH THE MOST RECENT ORDER OF THE COURT**
7 **IN MAKING CHILD SUPPORT PAYMENTS, THE ADMINISTRATION IMMEDIATELY**
8 **SHALL NOTIFY THE MOTOR VEHICLE ADMINISTRATION.**

9 **(3) UPON NOTIFICATION BY THE ADMINISTRATION UNDER THIS**
10 **SUBSECTION, THE MOTOR VEHICLE ADMINISTRATION, IN ACCORDANCE WITH §**
11 **16-203 OF THE TRANSPORTATION ARTICLE:**

12 **(I) SHALL SUSPEND THE OBLIGOR’S LICENSE OR**
13 **PRIVILEGE TO DRIVE IN THE STATE; AND**

14 **(II) MAY ISSUE A WORK-RESTRICTED LICENSE OR**
15 **WORK-RESTRICTED PRIVILEGE TO DRIVE IN THE STATE.**

16 **(4) THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION DO**
17 **NOT APPLY TO A NOTIFICATION TO THE MOTOR VEHICLE ADMINISTRATION**
18 **UNDER THIS SUBSECTION.**

19 (d) If after information about an obligor is supplied to the Motor Vehicle
20 Administration the obligor’s arrearage is paid in full, the obligor has demonstrated
21 good faith by paying the ordered amount of support for 6 consecutive months, or the
22 Administration finds that one of the grounds under [paragraph (1)(i) of this]
23 subsection **(C)(1)(I) OF THIS SECTION** exists, the Administration shall notify the
24 Motor Vehicle Administration to reinstate the obligor’s license or privilege to drive.

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

28 **Article – Transportation**

29 16-203.

30 (a) In this section, “Child Support Enforcement Administration” means the
31 Child Support Enforcement Administration of the Department of Human Resources.

32 (b) On notification by the Child Support Enforcement Administration in
33 accordance with [§ 10-119] **§ 10-119(B) OR (C-1)** of the Family Law Article that an

1 obligor is [60 days or more] out of compliance with the most recent order of the court
2 in making child support payments, the Administration:

3 (1) Shall suspend an obligor's license or privilege to drive in the State;
4 and

5 (2) May issue a work-restricted license or work-restricted privilege to
6 drive.

7 (c) (1) Prior to the suspension of a license or the privilege to drive in the
8 State and the issuance of a work-restricted license or work-restricted privilege to
9 drive under subsection (b) of this section, the Administration shall send written notice
10 of the proposed action to the obligor, including notice of the obligor's right to contest
11 the accuracy of the information.

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

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

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

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

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

24 (2) The Child Support Enforcement Administration notifies the
25 Administration that:

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

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

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2008.