

HOUSE BILL 1047

D4, R7
HB 632/08 – JUD

9lr1455

By: **Delegate Weldon**

Introduced and read first time: February 13, 2009

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 a child support obligor and the Motor Vehicle Administration if the
6 child support obligor has received a certain number of driver’s license
7 suspension notices within a certain period of time and the obligor is a certain
8 number of days out of compliance with a certain child support order; requiring
9 the Motor Vehicle Administration to suspend the license or privilege to drive of
10 the obligor under certain circumstances; authorizing the Motor Vehicle
11 Administration to issue a work–restricted license or privilege to drive under
12 certain circumstances; providing for the effective term of a work–restricted
13 license or privilege to drive issued under this Act; making certain conforming
14 changes; defining a certain term; providing for a delayed effective date; and
15 generally relating to child support enforcement and driver’s license suspension.

16 BY repealing and reenacting, with amendments,
17 Article – Family Law
18 Section 10–119
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2008 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Transportation
23 Section 16–203
24 Annotated Code of Maryland
25 (2006 Replacement Volume and 2008 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Family Law

10–119.

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

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

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

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

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

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

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

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

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

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

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

1. the information regarding the reported arrearage is inaccurate;

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

1 3. suspension of the obligor's license or privilege to drive
2 would place an undue hardship on the obligor because of the obligor's:

3 A. documented disability resulting in a verified inability
4 to work; or

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

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

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

11 (ii) The Administration shall:

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

14 2. give the obligee a reasonable opportunity to respond;
15 and

16 3. consider the obligee's response.

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

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

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

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

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

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

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

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

(2) IF AN OBLIGOR HAS RECEIVED THREE SUSPENSION NOTICES UNDER THIS SECTION WITHIN A 2-YEAR PERIOD AND THE OBLIGOR IS 60 DAYS OR MORE OUT OF COMPLIANCE WITH THE MOST RECENT ORDER OF THE COURT IN MAKING CHILD SUPPORT PAYMENTS, THE ADMINISTRATION IMMEDIATELY SHALL NOTIFY THE OBLIGOR AND THE MOTOR VEHICLE ADMINISTRATION.

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

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

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

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

(d) If after information about an obligor is supplied to the Motor Vehicle Administration, the obligor’s arrearage is paid in full, the obligor has demonstrated good faith by paying the ordered amount of support for 6 consecutive months, or the Administration finds that one of the grounds under subsection (c)(1)(i) of this section exists, the Administration shall notify the Motor Vehicle Administration to reinstate the obligor’s license or privilege to drive.

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

Article – Transportation

16-203.

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

(b) (1) On notification by the Child Support Enforcement Administration in accordance with [§ 10–119] § **10–119(B) OR (C–1)** of the Family Law Article that an obligor is [60 days or more] out of compliance with the most recent order of the court in making child support payments, the Administration:

[(1)] (I) Shall suspend an obligor’s license or privilege to drive in the State; and

[(2)] (II) May issue a work–restricted license or work–restricted privilege to drive.

(2) A WORK–RESTRICTED LICENSE OR PRIVILEGE TO DRIVE ISSUED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, AFTER THE NOTIFICATION REQUIRED UNDER § 10–119(C)(1) OF THE FAMILY LAW ARTICLE, EXPIRES AT THE END OF 1 YEAR, BUT MAY BE RENEWED FOR SUCCESSIVE 1–YEAR PERIODS.

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

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

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

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

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

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

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

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

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

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2010.