

HOUSE BILL 1047

D4

7lr2730
CF SB 906

By: **Delegates Moon, Dumais, Sanchez, and Sydnor**

Introduced and read first time: February 8, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support – Suspension of Employment–Related License for Arrears –**
3 **Hardship Exception and Reinstatement**

4 FOR the purpose of requiring that a notice of a certain proposed action to suspend a
5 business, occupational, or professional license for failure to pay child support contain
6 certain information on grounds for requesting a certain investigation; authorizing
7 the Child Support Enforcement Administration to choose temporarily not to request
8 a suspension of a certain license under certain circumstances; providing certain
9 additional circumstances under which a certain license suspended for failure to pay
10 child support may be reinstated; and generally relating to the suspension of
11 employment–related licenses for the failure to pay child support.

12 BY repealing and reenacting, without amendments,
13 Article – Family Law
14 Section 10–119.3(a)(1) and (2)
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2016 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Family Law
19 Section 10–119.3(f) and (j)
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2016 Supplement)

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

24 **Article – Family Law**

25 10–119.3.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (2) "License" means any license, certificate, registration, permit, or other
3 authorization that:

4 (i) is issued by a licensing authority;

5 (ii) is subject to suspension, revocation, forfeiture, or termination by
6 a licensing authority; and

7 (iii) is necessary for an individual to practice or engage in:

8 1. a particular business, occupation, or profession; or

9 2. recreational hunting or fishing.

10 (f) (1) At least 30 days before requesting a licensing authority to suspend or
11 deny a license or at least 30 days before making a referral under subsection (e)(3) of this
12 section, the Administration shall:

13 (i) send written notice of the proposed action to the individual whose
14 license is subject to suspension under this section, including notice of the individual's right
15 to request an investigation; and

16 (ii) give the individual a reasonable opportunity to contest the
17 accuracy of the information.

18 (2) **(I) FOR A LICENSE NECESSARY TO PRACTICE OR ENGAGE IN A
19 PARTICULAR BUSINESS, OCCUPATION, OR PROFESSION, THE NOTICE SHALL
20 INCLUDE A STATEMENT THAT THE OBLIGOR HAS THE RIGHT TO REQUEST AN
21 INVESTIGATION ON THE FOLLOWING GROUNDS:**

22 1. **THE REPORTED ARREARAGE IS INACCURATE;**

23 2. **A. THE SUSPENSION OF THE LICENSE WOULD BE
24 AN IMPEDIMENT TO CURRENT OR POTENTIAL EMPLOYMENT BECAUSE THE LICENSE
25 IS NECESSARY FOR THE PRIMARY SOURCE OF INCOME FOR THE OBLIGOR; AND**

26 **B. THE OBLIGOR HAS MADE GOOD FAITH PAYMENTS
27 TOWARD THE CHILD SUPPORT OBLIGATION; OR**

28 3. **THE SUSPENSION OF THE LICENSE WOULD RESULT IN
29 AN UNDUE HARDSHIP BECAUSE:**

30 **A. THE OBLIGOR HAS A DOCUMENTED DISABILITY**

1 **RESULTING IN A VERIFIED INABILITY TO WORK; OR**

2 **B. THE SUSPENSION OF THE LICENSE WOULD RESULT IN**
3 **THE INABILITY OF THE OBLIGOR TO COMPLY WITH THE COURT ORDER.**

4 **(II) THE ADMINISTRATION MAY CHOOSE TEMPORARILY NOT TO**
5 **REQUEST A LICENSING AUTHORITY TO SUSPEND A LICENSE UNDER THIS SECTION IF**
6 **THE ADMINISTRATION DETERMINES, AFTER AN INVESTIGATION, THAT SUSPENSION**
7 **OF THE LICENSE WOULD RESULT IN AN UNDUE HARDSHIP OR WOULD OTHERWISE BE**
8 **INAPPROPRIATE.**

9 **(3)** (i) Upon receipt of a request for investigation from an individual
10 whose license is subject to suspension, the Administration shall conduct an investigation.

11 (ii) Upon completion of the investigation, the Administration shall
12 notify the individual of the result of the investigation and the individual's right to appeal
13 to the Office of Administrative Hearings.

14 ~~[(3)]~~ **(4)** (i) An appeal under this section shall be conducted in
15 accordance with Title 10, Subtitle 2 of the State Government Article.

16 (ii) An appeal shall be made in writing and shall be received by the
17 Office of Administrative Hearings within 30 days after the notice to the individual whose
18 license is subject to suspension of the results of the investigation.

19 ~~[(4)]~~ **(5)** If, after the investigation or appeal to the Office of
20 Administrative Hearings, the Administration finds that it erred in making a decision, the
21 Administration may not send a notification about an individual to a licensing authority or
22 make a referral under subsection (e)(3) of this section.

23 (j) The Administration shall notify the licensing authority to reinstate any
24 license suspended or denied under this section within 10 days after the occurrence of any
25 of the following events:

26 (1) the Administration receives a court order to reinstate the suspended
27 license;

28 (2) with respect to an individual with a child support arrearage, the
29 individual has:

30 (i) paid the support arrearage in full;

31 (ii) demonstrated good faith by paying the ordered amount of
32 support for 4 consecutive months; ~~[or]~~

33 **(III) PAID A LUMP SUM EQUAL TO FOUR TIMES THE ORDERED**

1 AMOUNT OF MONTHLY SUPPORT;

2 (IV) COOPERATED WITH THE ADMINISTRATION IN ENTERING
3 INTO AN ENFORCEABLE WAGE WITHHOLDING ORDER WITH THE MAXIMUM
4 DEDUCTION PERMITTED UNDER FEDERAL LAW; OR

5 [(iii)] (V) fully complied with the Noncustodial Parent Employment
6 Assistance Pilot Program established under § 10–112.2 of this title; or

7 (3) with respect to an individual whose license was suspended or denied
8 because of a failure to comply with a subpoena issued under § 10–108.5 of this subtitle, the
9 individual has complied with the subpoena.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2017.