

SENATE BILL 164

D4, R4

3lr0934
CF HB 326

By: **Senator Watson**

Introduced and read first time: January 19, 2023

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2023

CHAPTER _____

1 AN ACT concerning

2 **Driver's Licenses – Suspension for Child Support Arrearages – Exception**

3 FOR the purpose of establishing a certain exception to the authority of the Child Support
4 Administration to notify the Motor Vehicle Administration of an individual's child
5 support arrearages for the purpose of suspending the individual's driver's license or
6 privilege to drive if the obligor's income is at or below a certain level; authorizing the
7 Child Support Administration to consider certain information in determining the
8 income of an obligor under this Act; requiring the Department of Human Services to
9 enhance the Maryland Total Human-services Integrated Network system to
10 automatically capture an obligor's individual income; and generally relating to the
11 suspension of a driver's license or privilege to drive for child support arrearages.

12 BY repealing and reenacting, with amendments,
13 Article – Family Law
14 Section 10–119
15 Annotated Code of Maryland
16 (2019 Replacement Volume and 2022 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Transportation
19 Section 16–203(a) ~~and (b)~~
20 Annotated Code of Maryland
21 (2020 Replacement Volume and 2022 Supplement)

22 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Transportation
 2 Section ~~16–203(e)~~ 16–203(b), (e), and (f)
 3 Annotated Code of Maryland
 4 (2020 Replacement Volume and 2022 Supplement)

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

7 **Article – Family Law**

8 10–119.

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

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

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

14 (b) (1) **THIS SECTION DOES NOT APPLY TO AN OBLIGOR WHOSE**
 15 **INDIVIDUAL INCOME FOR THE CURRENT YEAR IS NOT GREATER THAN 300% 250%**
 16 **OF THE FEDERAL POVERTY LEVEL GUIDELINES UNLESS THE OBLIGOR HAS BEEN**
 17 **WAS JUDICIALLY DETERMINED, AT THE TIME THE MOST RECENT CHILD SUPPORT**
 18 **ORDER WAS ENTERED, TO BE VOLUNTARILY IMPOVERISHED UNDER § 12–204 OF**
 19 **THIS ARTICLE.**

20 (2) **TO DETERMINE THE INCOME OF AN OBLIGOR UNDER THIS**
 21 **SUBSECTION, THE ADMINISTRATION MAY CONSIDER:**

22 (I) ~~THE INCOME OF THE OBLIGOR AT THE TIME THE CHILD~~
 23 ~~SUPPORT ORDER IS ENTERED; OR~~

24 (II) ~~INFORMATION ON THE OBLIGOR’S INCOME PROVIDED BY~~
 25 ~~THE OBLIGOR, THE COMPTROLLER, OR AN EMPLOYER OF THE OBLIGOR EXCEPT AS~~
 26 ~~PROVIDED IN ITEM (II) OF THIS PARAGRAPH, SHALL CONSIDER THE INFORMATION~~
 27 ~~PROVIDED BY THE MARYLAND TOTAL HUMAN-SERVICES INTEGRATED NETWORK~~
 28 ~~(MD THINK); AND~~

29 (II) **AT THE ELECTION OF THE OBLIGOR, OR IF NO INFORMATION**
 30 **IS AVAILABLE UNDER ITEM (I) OF THIS PARAGRAPH, SHALL INSTEAD CONSIDER:**

31 1. **THE INCOME OF THE OBLIGOR AT THE TIME THE MOST**
 32 **RECENT CHILD SUPPORT ORDER WAS ENTERED; OR**

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

4 (ii) The Administration shall:

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

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

8 3. consider the obligee's response.

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

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

14 (ii) An appeal shall be made in writing and shall be received by the
15 Office of Administrative Hearings within ~~20~~ **45** days after the notice to the obligor of the
16 results of the investigation.

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

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

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

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

27 **[(d)] (E)** (1) If, after information about an obligor is supplied to the Motor
28 Vehicle Administration, the obligor's arrearage is paid in full, the obligor has demonstrated
29 good faith by paying the ordered amount of support for 6 consecutive months, the obligor is
30 a participant in full compliance in an employment program approved by the
31 Administration, or the Administration finds that one of the grounds under subsection
32 **[(c)(1)(i)] (D)(1)(I)** of this section exists, the Administration shall notify the Motor Vehicle
33 Administration to reinstate the obligor's license or privilege to drive.

1 (iv) The obligor is a participant in full compliance in an employment
2 program approved by the Child Support Administration; or

3 (v) One of the grounds under [§ 10–119(c)(1)(i)] **§ 10–119(D)(1)(I)**
4 of the Family Law Article exists.

5 (f) The Secretary of Transportation, in cooperation with the Secretary of Human
6 Services, **THE COMPTROLLER**, and the Office of Administrative Hearings, shall adopt
7 regulations to implement this section.

8 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2024,
9 the Department of Human Services shall enhance the Maryland Total Human–services
10 Integrated Network (MD THINK) to capture an obligor’s individual current–year income
11 for the purposes of § 10–119 of the Family Law Article, as enacted by Section 1 of this Act.

12 ~~SECTION 2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.