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 Administration to notify the Motor Vehicle Administration of an individual's child 4 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.

<u>Underlining</u> indicates amendments to bill.

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

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	2 SENATE DILL 104
1 2 3 4	Article – Transportation Section 16–203(e) <u>16–203(b), (e),</u> and (f) Annotated Code of Maryland (2020 Replacement Volume and 2022 Supplement)
5 6	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 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 11	(2) "License" has the meaning stated in § 11–128 of the Transportation Article.
12 13	(3) "Motor Vehicle Administration" means the Motor Vehicle Administration of the Department of Transportation.
14 15 16 17 18 19	(b) (1) This section does not apply to an obligor whose individual income for the current year is not greater than 300% 250% of the federal poverty level guidelines unless the obligor has been was judicially determined, at the time the most recent child support order was entered, to be voluntarily impoverished under § 12–204 of this article.
20 21	(2) TO DETERMINE THE INCOME OF AN OBLIGOR UNDER THIS SUBSECTION, THE ADMINISTRATION MAY CONSIDER:
22 23	(I) THE INCOME OF THE OBLIGOR AT THE TIME THE CHILD SUPPORT ORDER IS ENTERED; OR
24 25 26 27 28	(II) INFORMATION ON THE OBLIGOR'S INCOME PROVIDED BY THE OBLIGOR, THE COMPTROLLER, OR AN EMPLOYER OF THE OBLIGOR EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH, SHALL CONSIDER THE INFORMATION PROVIDED BY THE MARYLAND TOTAL HUMAN-SERVICES INTEGRATED NETWORK (MD THINK); AND
29 30	(II) AT THE ELECTION OF THE OBLIGOR, OR IF NO INFORMATION IS AVAILABLE UNDER ITEM (I) OF THIS PARAGRAPH, SHALL INSTEAD CONSIDER:
31	1. THE INCOME OF THE OBLIGOR AT THE TIME THE MOST

RECENT CHILD SUPPORT ORDER WAS ENTERED; OR

1 <u>2. INFORMATION ON THE OBLIGOR'S INCOME PROVIDED</u> 2 BY THE OBLIGOR, THE COMPTROLLER, OR AN EMPLOYER OF THE OBLIGOR.

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- (C) (1) Subject to the provisions of subsection [(c)] (D) of this section, the Administration may notify the Motor Vehicle Administration of an obligor with a noncommercial license who is 60 days or more out of compliance, or an obligor with a commercial license who is 120 days or more out of compliance, with the most recent order of the court in making child support payments if:
- 8 (i) the Administration has accepted an assignment of support under 9 $\S 5-312(b)(2)$ of the Human Services Article; or
- 10 (ii) the recipient of support payments has filed an application for support enforcement services with the Administration.
- 12 (2) Upon notification by the Administration under this subsection, the 13 Motor Vehicle Administration:
- 14 (i) shall suspend the obligor's license or privilege to drive in the 15 State; and
- 16 (ii) may issue a work–restricted license or work–restricted privilege 17 to drive in the State in accordance with § 16–203 of the Transportation Article.
- 18 **[**(c)**] (D)** (1) Before supplying any information to the Motor Vehicle 19 Administration under this section, the Administration shall:
- 20 (i) send written notice of the proposed action to the obligor, 21 including notice of the obligor's right to request an investigation on any of the following 22 grounds:
- 23 1. the information regarding the reported arrearage is 24 inaccurate;
- 25 suspension of the obligor's license or privilege to drive 26 would be an impediment to the obligor's current or potential employment; or
- 3. suspension of the obligor's license or privilege to drive would place an undue hardship on the obligor because of the obligor's:
- A. documented disability resulting in a verified inability to 30 work; or
- B. inability to comply with the court order; and
- 32 (ii) give the obligor a reasonable opportunity to request an 33 investigation of the proposed action of the Administration.

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1 (2)Upon receipt of a request for investigation from the obligor, the (i) 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)An appeal under this section shall be conducted in accordance (i) with Title 10, Subtitle 2 of the State Government Article. 13 14 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 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. 21The Administration may not send any information about an obligor to 22the Motor Vehicle Administration if: 23the Administration reaches an agreement with the obligor regarding a scheduled payment of the obligor's child support arrearage or a court issues an 24order for a scheduled payment of the child support arrearage; and 25 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 a participant in full compliance in an employment program approved by the 30 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

Administration to reinstate the obligor's license or privilege to drive.

1 (2) Administration may request that the Vehicle 2 Administration expunge a record of a suspension of a license or privilege to drive for failure 3 to pay child support: 4 (i) for an obligor who is enrolled in and compliant with an 5 employment program approved by the Administration; or 6 if the information reported by the Administration that led to the (ii) 7 suspension was inaccurate. 8 [(e)] **(F)** The Secretary of Human Services, in cooperation with the Secretary of 9 Transportation, THE COMPTROLLER, and the Office of Administrative Hearings, shall 10 adopt regulations to implement this section. 11 **Article – Transportation** 12 16-203.In this section, "Child Support Administration" means the Child Support 13 Administration of the Department of Human Services. 14 15 (b) On notification by the Child Support Administration in accordance with § 16 10–119 of the Family Law Article that an obligor is 60 120 days or more out of compliance with the most recent order of the court in making child support payments, the 17 Administration: 18 19 (1) Shall suspend an obligor's license or privilege to drive in the State; and 20 (2) May issue a work-restricted license or work-restricted privilege to 21drive. 22The Administration shall reinstate an obligor's license or privilege to drive in (e) the State if: 2324(1) The Administration receives a court order to reinstate the license or 25privilege to drive; or 26 (2)The Child Support Administration notifies the Administration that: 27 (i) The individual whose license or privilege to drive was suspended is not in arrears in making child support payments; 2829(ii) The obligor has paid the support arrearage in full; 30 The obligor has demonstrated good faith by paying the ordered

amount of support for 6 consecutive months;

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$\frac{1}{2}$	(iv) The obligor is a participant in full compliance in an employment program approved by the Child Support Administration; or
3 4	(v) One of the grounds under [§ $10-119(c)(1)(i)$] § $10-119(D)(1)(I)$ of the Family Law Article exists.
5 6 7	(f) The Secretary of Transportation, in cooperation with the Secretary of Human Services, THE COMPTROLLER, and the Office of Administrative Hearings, shall adopt regulations to implement this section.
8 9 10 11	SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2024, the Department of Human Services shall enhance the Maryland Total Human—services Integrated Network (MD THINK) to capture an obligor's individual current—year income for the purposes of § 10–119 of the Family Law Article, as enacted by Section 1 of this Act.
12 13	SECTION $\stackrel{2}{=}$ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.
	Approved:
	Governor.
	President of the Senate.
	Speaker of the House of Delegates.