## **HOUSE BILL 110**

**D**4 5lr1458 (PRE-FILED) CF SB 106 By: Delegates Simpson and Taylor, Taylor, Crutchfield, Tomlinson, Toles, Phillips, Stinnett, Arikan, Kaufman, and Williams Requested: October 29, 2024 Introduced and read first time: January 8, 2025 Assigned to: Judiciary Committee Report: Favorable with amendments House action: Adopted Read second time: March 4, 2025 CHAPTER AN ACT concerning Child Support - Suspension of Driver's Licenses FOR the purpose of altering provisions of law relating to the authority of the Child Support Enforcement Administration to notify the Motor Vehicle Administration of an individual's child support arrearages for the purpose of suspending the individual's driver's license or privilege to drive under certain circumstances; and generally relating to the suspension of an individual's driver's license or privilege to drive for child support arrearages. BY repealing and reenacting, without amendments, Article – Family Law Section 10–119(a) and 12–201(g) Annotated Code of Maryland (2019 Replacement Volume and 2024 Supplement) BY repealing and reenacting, with amendments, Article – Family Law Section <del>10-119</del> 10-119(b) and (c) Annotated Code of Maryland (2019 Replacement Volume and 2024 Supplement) BY repealing and reenacting, without amendments,

## EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

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

Article - Family Law

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



1 2 3	Section 12–201(q) Annotated Code of Maryland (2019 Replacement Volume and 2024 Supplement)
4 5 6 7 8	BY repealing and reenacting, with amendments, Article – Transportation Section 16–203 Annotated Code of Maryland (2020 Replacement Volume and 2024 Supplement)
9 10	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
11	Article – Family Law
12	10–119.
13	(a) (1) In this section the following words have the meanings indicated.
14 15	(2) "License" has the meaning stated in § 11–128 of the Transportation Article.
16 17	(3) "Motor Vehicle Administration" means the Motor Vehicle Administration of the Department of Transportation.
18 19 20 21 22	(b) (1) Subject to the provisions of subsection (c) 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:
23 24	(i) the Administration has accepted an assignment of support under $\$ 5–312(b)(2) of the Human Services Article; or
25 26	(ii) the recipient of support payments has filed an application for support enforcement services with the Administration.
27 28	(2) Upon notification by the Administration under this subsection, the Motor Vehicle Administration:
29 30	(i) shall suspend the obligor's license or privilege to drive in the State; and
31 32	(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.

1 2 3 4	(c) (1) (1) 1. Before supplying any information to the Motor Vehicle Administration under this section, AND AFTER MAKING REASONABLE ATTEMPTS TO NOTIFY THE OBLIGOR OF NONCOMPLIANCE STATUS, INCLUDING BY WRITTEN AND ELECTRONIC MEANS, the Administration shall:
5 6 7	(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:
8 9	1. the information regarding the reported arrearage is inaccurate;
10 11	2. suspension of the obligor's license or privilege to drive would be an impediment to the obligor's current or potential employment; or
12 13	3. suspension of the obligor's license or privilege to drive would place an undue hardship on the obligor because of the obligor's:
14 15	A. documented disability resulting in a verified inability to work; or
16	B. inability to comply with the court order; and
17 18	2. THE MINOR CHILD IS RESIDING PRIMARILY WITH THE OBLIGOR;
19 20	3. THE OBLIGOR HAS A DOCUMENTED DISABILITY RESULTING IN A VERIFIED INABILITY TO WORK;
21 22 23	4. SUSPENSION OF THE OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE WOULD BE AN IMPEDIMENT TO CURRENT OR POTENTIAL EMPLOYMENT;
24 25	5. THE OBLIGOR DOES NOT HAVE THE ABILITY TO PAY AND IS MAKING REASONABLE EFFORTS TO BECOME OR REMAIN EMPLOYED;
26 27 28 29 30 31	6. THE ADMINISTRATION REACHED AN AGREEMENT WITH THE OBLIGOR, INCLUDING THROUGH A PAYMENT INCENTIVE PROGRAM FOR A SCHEDULED PAYMENT OF THE ARREARAGES, OR THE COURT ISSUED AN ORDER FOR A SCHEDULED PAYMENT OF THE ARREARAGES, AND THE ADMINISTRATION DETERMINES THAT THE OBLIGOR IS COMPLYING WITH THE AGREEMENT OR THE ORDER;

The Child Support Payment Recipient, or the obligor a reasonable opportunity to request an investigation of the proposed action exist.  1. send a copy of the obligor's request for an investigation to the obligee by first-class mail;  1. send a copy of the obligor's request for an investigation to the obligee by first-class mail;  1. send a copy of the obligor's request for an investigation to the obligee by first-class mail;  1. send a copy of the oblige's response.  1. send a copy of the obligor's request for an investigation to the obligee by first-class mail;  2. give the obligee a reasonable opportunity to respond; and notify the obligor of the results of the investigation and the obligor's right to appeal to the Office of Administrative Hearings.  2. (ii) An appeal under this section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.  2. (iii) An appeal shall be made in writing and shall be received by the Office of Administrative Hearings within 20 days after the notice to the obligor of the results of the investigation or appeal to the obligor of the results of the investigation or appeal to the obligor of the results of the investigation or appeal to the obligor of the results of the investigation or appeal to the obligor of the results of the investigation or appeal to the obligor of the results of the investigation.  2. (iii) An appeal shall be made in writing and shall be received by the Office of Administrative Hearings within 20 days after the notice to the obligor of the results of the investigation.  2. (iii) An appeal shall be made in writing and shall be received by the Office of Administrative Hearings, the Administration finds that one of the grounds under paragraph (1)(i) of this subsection exists, the Administration about the obligor to the Motor Vehicle Administration is THE ADMINISTRATION FINDS THAT ONE OF THE GROUNDS UNDER PARAGRAPH (1)(i) OF THE SUBJECT'S LICENSE OR PRIVILEGE TO DRIVE IS APPROPRIATE SUSPENSION OF THE OBLIGOR'S LICENSE OR PRIVILEG		
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	32	MOTOR VEHICLE ADMINISTRATION ONLY IF THE ADMINISTRATION VERIFIES THAT

- 1 BECAUSE THE OBLIGOR HAS THE FUNDS TO PAY BUT IS MAKING THE FREE AND 2 CONSCIOUS CHOICE TO WITHHOLD PAYMENT OR IS VOLUNTARILY IMPOVERISHED, 3 AS DEFINED IN § 12–201(Q) OF THIS ARTICLE. 4 The Administration may not send any information about an obligor to the Motor Vehicle Administration if: 5 6 the Administration reaches an agreement with the obligor regarding a scheduled payment of the obligor's child support arrearage or a court issues an 7 8 order for a scheduled payment of the child support arrearage; and 9 the obligor is complying with the agreement or court order 10 PETITION THE COURT TO MAKE A FINDING THAT SUSPENSION OF THE OBLIGOR'S 11 LICENSE OR PRIVILEGE TO DRIVE IS APPROPRIATE UNDER THE PROVISIONS OF THIS 12 SUBSECTION 13 2. REASONABLE ATTEMPTS TO NOTIFY THE OBLIGOR 14 UNDER THIS SUBPARAGRAPH SHALL INCLUDE WRITTEN AND ELECTRONIC NOTICE. 15 3. NOTICE OF THE COURT PETITION SHALL BE SERVED 16 ON THE OBLIGOR. IF, AFTER A HEARING, THE COURT DETERMINES THAT 17 <del>(II)</del> SUSPENSION OF THE OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE IS APPROPRIATE. 18 THE ADMINISTRATION MAY NOTIFY THE MOTOR VEHICLE ADMINISTRATION. 19 20  $\frac{(2)}{2}$ THE COURT MAY MAKE A FINDING THAT SUSPENSION OF THE 21 OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE IS APPROPRIATE IF THE 22 ADMINISTRATION PROVES BY CLEAR AND CONVINCING EVIDENCE THAT THE 23 OBLIGOR HAS THE FUNDS TO PAY THE ARREARAGE BALANCE BUT IS MAKING THE 24 FREE AND CONSCIOUS CHOICE TO WITHHOLD PAYMENT OR IS VOLUNTARILY 25 IMPOVERISHED, AS DEFINED IN § 12-201(Q) OF THIS ARTICLE. 26 (3)THE COURT MAY NOT MAKE A FINDING THAT SUSPENSION OF THE 27 OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE IS APPROPRIATE IF: 28 +THE OBLIGOR PROVES BY A PREPONDERANCE OF THE 29 **EVIDENCE ANY OF THE FOLLOWING FACTORS:** 30 THE MINOR CHILD IS RESIDING PRIMARILY WITH THE
- 32 **2.** THE OBLIGOR HAS A DOCUMENTED DISABILITY 33 RESULTING IN A VERIFIED INABILITY TO WORK;

31

**OBLIGOR:** 

35

1	3. SUSPENSION OF THE OBLIGOR'S LICENSE OR
2	PRIVILEGE TO DRIVE WOULD BE AN IMPEDIMENT TO CURRENT OR POTENTIAL
3	EMPLOYMENT;
	,
4	4. THE OBLIGOR DOES NOT HAVE THE ABILITY TO PAY
5	AND IS MAKING REASONABLE EFFORTS TO BECOME OR REMAIN EMPLOYED;
	, and the second se
6	5. THE ADMINISTRATION REACHED AN AGREEMENT
7	WITH THE OBLIGOR, INCLUDING THROUGH A PAYMENT INCENTIVE PROGRAM FOR A
8	SCHEDULED PAYMENT OF THE ARREARAGES, OR THE COURT ISSUED AN ORDER FOR
9	A SCHEDULED PAYMENT OF THE ARREARAGES, AND THE COURT DETERMINES THAT
10	THE OBLIGOR IS COMPLYING WITH THE AGREEMENT OR THE ORDER;
11	6. SUSPENSION OF THE OBLIGOR'S LICENSE OR
12	PRIVILEGE TO DRIVE WOULD BE AN IMPEDIMENT TO THE OBLIGOR'S ABILITY TO
13	ASSIST WITH THE TRANSPORTATION NEEDS OF THE MINOR CHILD; OR
14	7. ANY OTHER CIRCUMSTANCE THAT THE COURT
15	DETERMINES WOULD PLACE AN UNDUE HARDSHIP ON THE MINOR CHILD, THE CHILD
16	SUPPORT PAYMENT RECIPIENT, OR THE OBLIGOR; OR
17	(H) THE INFORMATION REGARDING THE REPORTED
18	ARREARAGE IS INACCURATE.
19	(d) (1) (I) [If, after] AFTER information about an obligor is supplied to the
20	Motor Vehicle Administration, the obligor's arrearage is paid in full, the obligor has
21	demonstrated good faith by paying the ordered amount of support for 6 consecutive months,
22	the obligor is a participant in full compliance in an employment program approved by the
23	Administration, or the Administration finds that one of the grounds under subsection
24	(c)(1)(i) of this section exists] IF THE ADMINISTRATION OR THE COURT FINDS THAT THE
25	SUSPENSION OF THE OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE IS NOT
26	APPROPRIATE UNDER THIS SECTION, the Administration shall notify the Motor Vehicle
27	Administration to reinstate the obligor's license or privilege to drive.
00	(II) THE ORIGON MAN MAKE A DEGLIER FOR DELIVERATED AND MAN
28	(H) THE OBLIGOR MAY MAKE A REQUEST FOR REINSTATEMENT
29	OF THE OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE WITH THE ADMINISTRATION
30	OR WITH THE COURT.
0.1	(a) [m] 1 ON PROTECT OF THE OPTION WITH VI
31	(2) [The] ON REQUEST OF THE OBLIGOR, THE Administration [may]
32	SHALL request that the Motor Vehicle Administration expunge a record of a suspension of
33	a license or privilege to drive for failure to pay child support:
34	(i) for an obligor who is enrolled in and compliant with an
<b>04</b>	ti) tot an obligor who is enrolled in and compliant with an

employment program approved by the Administration; or

- 1 (ii) if the information reported by the Administration that led to the 2 suspension was inaccurate.
- 3 (e) The Secretary of Human Services, in cooperation with the Secretary of
  4 Transportation [and the Office of Administrative Hearings], shall adopt regulations to
  5 implement this section.
- 6 (F) THE SUPREME COURT OF MARYLAND MAY ADOPT RULES TO 1 IMPLEMENT THIS SECTION.
- 8 12-201.
- 9 (q) "Voluntarily impoverished" means that a parent has made the free and conscious choice, not compelled by factors beyond the parent's control, to render the parent without adequate resources.

## 12 Article – Transportation

- 13 16–203.
- 14 (a) In this section, "Child Support Administration" means the Child Support 15 Administration of the Department of Human Services.
- 16 (b) On notification by the Child Support Administration in accordance with § 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 Administration:
- 20 (1) Shall suspend an obligor's license or privilege to drive in the State; and
- 21 (2) May issue a work–restricted license or work–restricted privilege to 22 drive.
- (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] MAKE REASONABLE ATTEMPTS TO NOTIFY THE OBLIGOR of the proposed action [to the obligor] IN ACCORDANCE WITH § 10–119(C)(1)(I)2 OF THE FAMILY LAW ARTICLE, including notice of the obligor's right to contest the accuracy of the information.
- 29 (2) Any contest under this subsection shall be limited to whether the 30 Administration has mistaken the identity of the obligor or the individual whose license or 31 privilege to drive has been suspended.
- 32 (d) (1) An obligor may appeal a decision of the Administration to suspend the 33 obligor's license or privilege to drive.

1 2 3	(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.
4 5	(e) The Administration shall reinstate an obligor's license or privilege to drive in the State if:
6 7	(1) The Administration receives a court order to reinstate the license or privilege to drive; or
8	(2) The Child Support Administration notifies the Administration that:
9 10	(i) The individual whose license or privilege to drive was suspended is not in arrears in making child support payments;
11	(ii) The obligor has paid the support arrearage in full;
12 13	(iii) The obligor has demonstrated good faith by paying the ordered amount of support for 6 consecutive months;
14 15	(iv) The obligor is a participant in full compliance in an employment program approved by the Child Support Administration; or
16 17	(v) One of the grounds under $\{0, 10-119(c)(1)(i)\}$ $\{0, 10-119(c)(1)(i)\}$ of the Family Law Article exists.
18 19 20	(f) The Secretary of Transportation, in cooperation with the Secretary of Human Services <b>{</b> and the Office of Administrative Hearings <b>{</b> }, shall adopt regulations to implement this section.
21 22	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.
	Approved:
	Governor.
	Speaker of the House of Delegates.
	President of the Senate.