

# SENATE BILL 15

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SB 139/24 – JPR

(PRE-FILED)

51r0868  
CF 51r0869

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By: **Senator Watson**

Requested: September 17, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Child Support – Driver’s License Suspension for Arrearages and Court Orders**

3 FOR the purpose of altering the circumstances under which the Child Support  
4 Administration may 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; requiring the court, after establishing a child support order, to  
7 send a copy of the guideline calculation and the order to the Child Support  
8 Administration; and generally relating to the suspension of a driver’s license or  
9 privilege to drive for child support arrearages.

10 BY repealing and reenacting, with amendments,  
11 Article – Family Law  
12 Section 10–119 and 12–202  
13 Annotated Code of Maryland  
14 (2019 Replacement Volume and 2024 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Transportation  
17 Section 16–203(b)  
18 Annotated Code of Maryland  
19 (2020 Replacement Volume and 2024 Supplement)

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

### Article – Family Law

22 10–119.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (3) "Motor Vehicle Administration" means the Motor Vehicle  
4 Administration of the Department of Transportation.

5 (b) (1) Subject to the provisions of subsection (c) of this section, the  
6 Administration may notify the Motor Vehicle Administration of an obligor with a  
7 noncommercial [license who is 60 days or more out of compliance,] or [an obligor with a]  
8 commercial license who is 120 days or more out of compliance, with the most recent order  
9 of the court in making child support payments if:

10 (i) the Administration has accepted an assignment of support under  
11 § 5–312(b)(2) of the Human Services Article; or

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

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

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

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

20 (c) (1) Before supplying any information to the Motor Vehicle Administration  
21 under this section, the Administration shall:

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

25 1. the information regarding the reported arrearage is  
26 inaccurate;

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

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

31 A. documented disability resulting in a verified inability to  
32 work; or

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

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

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

7 (ii) The Administration shall:

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

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

11 3. consider the obligee's response.

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

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

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

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

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

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

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

30 (d) (1) If, after information about an obligor is supplied to the Motor Vehicle  
31 Administration, the obligor's arrearage is paid in full, the obligor has demonstrated good  
32 faith by paying the ordered amount of support for 6 consecutive months, the obligor is a  
33 participant in full compliance in an employment program approved by the Administration,

1 or the Administration finds that one of the grounds under subsection (c)(1)(i) of this section  
2 exists, the Administration shall notify the Motor Vehicle Administration to reinstate the  
3 obligor's license or privilege to drive.

4 (2) The Administration may request that the Motor Vehicle  
5 Administration expunge a record of a suspension of a license or privilege to drive for failure  
6 to pay child support:

7 (i) for an obligor who is enrolled in and compliant with an  
8 employment program approved by the Administration; or

9 (ii) if the information reported by the Administration that led to the  
10 suspension was inaccurate.

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

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

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

21 **(I) THE INCOME OF THE OBLIGOR AT THE TIME THE MOST**  
22 **RECENT CHILD SUPPORT ORDER WAS ENTERED; OR**

23 **(II) INFORMATION ON THE OBLIGOR'S INCOME PROVIDED BY**  
24 **THE OBLIGOR OR AN EMPLOYER OF THE OBLIGOR.**

25 12-202.

26 (a) (1) Subject to the provisions of paragraph (2) of this subsection and  
27 subsection [(b)] (C) of this section, in any proceeding to establish or modify child support,  
28 whether pendente lite or permanent, the court shall use the child support guidelines set  
29 forth in this subtitle.

30 (2) (i) There is a rebuttable presumption that the amount of child  
31 support which would result from the application of the child support guidelines set forth in  
32 this subtitle is the correct amount of child support to be awarded.

33 (ii) The presumption may be rebutted by evidence that the  
34 application of the guidelines would be unjust or inappropriate in a particular case.

1 (iii) In determining whether the application of the guidelines would  
2 be unjust or inappropriate in a particular case, the court may consider:

3 1. the terms of any existing separation or property  
4 settlement agreement or court order, including any provisions for payment of mortgages or  
5 marital debts, payment of college education expenses, the terms of any use and possession  
6 order or right to occupy the family home under an agreement, any direct payments made  
7 for the benefit of the children required by agreement or order, or any other financial  
8 considerations set out in an existing separation or property settlement agreement or court  
9 order;

10 2. the presence in the household of either parent of other  
11 children to whom that parent owes a duty of support and the expenses for whom that parent  
12 is directly contributing; and

13 3. whether an obligor's monthly child support obligation  
14 would leave the obligor with a monthly actual income below 110% of the 2019 federal  
15 poverty level for an individual.

16 (iv) The presumption may not be rebutted solely on the basis of  
17 evidence of the presence in the household of either parent of other children to whom that  
18 parent owes a duty of support and the expenses for whom that parent is directly  
19 contributing.

20 (v) 1. If the court determines that the application of the  
21 guidelines would be unjust or inappropriate in a particular case, the court shall make a  
22 written finding or specific finding on the record stating the reasons for departing from the  
23 guidelines.

24 2. The court's finding shall state:

25 A. the amount of child support that would have been required  
26 under the guidelines;

27 B. how the order varies from the guidelines;

28 C. how the finding serves the best interests of the child; and

29 D. in cases in which items of value are conveyed instead of a  
30 portion of the support presumed under the guidelines, the estimated value of the items  
31 conveyed.

32 **(B) AFTER ESTABLISHING A CHILD SUPPORT ORDER, THE COURT SHALL**  
33 **SEND A COPY OF THE GUIDELINE CALCULATION AND THE ORDER TO THE CHILD**  
34 **SUPPORT ADMINISTRATION.**



1 16-203.

2 (b) On notification by the Child Support Administration in accordance with §  
3 10-119 of the Family Law Article that an obligor is **[60] 120** days or more out of compliance  
4 with the most recent order of the court in making child support payments, the  
5 Administration:

6 (1) Shall suspend an obligor's license or privilege to drive in the State; and

7 (2) May issue a work-restricted license or work-restricted privilege to  
8 drive.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2025.