

# SENATE BILL 15

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SB 139/24 – JPR

(PRE-FILED)

5lr0868  
CF HB 681

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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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Committee Report: Favorable

Senate action: Adopted

Read second time: March 23, 2025

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## CHAPTER \_\_\_\_\_

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:

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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.



**Article – Family Law**

10–119.

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

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

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

(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:

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

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

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

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

(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.

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

(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:

1. the information regarding the reported arrearage is inaccurate;

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

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

3                               A.     documented disability resulting in a verified inability to  
4 work; or

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

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

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

11                              (ii)    The Administration shall:

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

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

15                              3.     consider the obligee's response.

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

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

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

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

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

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

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

(d) (1) If, after information about an obligor is supplied to the Motor Vehicle Administration, the obligor's arrearage is paid in full, the obligor has demonstrated 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 Administration, or the Administration finds that one of the grounds under subsection (c)(1)(i) of this section exists, the Administration shall notify the Motor Vehicle Administration to reinstate the obligor's license or privilege to drive.

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

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

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

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

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

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

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

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

12-202.

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

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

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

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

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

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

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

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

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

2. The court's finding shall state:

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

B. how the order varies from the guidelines;

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

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

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

**[(b)] (C)** (1) The court may decline to establish a child support order if the parent who would have the obligation to pay child support:

(i) lives with the child who would be the subject of the child support order and is contributing to the support of the child; or

(ii) 1. is unemployed;

2. has no financial resources from which to pay child support;  
and

3. A. is incarcerated and is expected to remain incarcerated for the remainder of the time that the parent would have a legal duty to support the child;

B. is institutionalized in a psychiatric care facility and is expected to remain institutionalized for the remainder of the time that the parent would have a legal duty to support the child;

C. is totally and permanently disabled, is unable to obtain or maintain employment, and has no income other than Supplemental Security Income or Social Security disability insurance benefits; or

D. is unable to obtain or maintain employment in the foreseeable future due to compliance with criminal detainment, hospitalization, or a rehabilitation treatment plan.

(2) The fact that a parent meets or ceases to meet the criteria described in paragraph (1) of this subsection shall constitute a material change of circumstance for the purpose of a modification of a child support award.

**[(c)] (D)** The adoption or revision of the guidelines set forth in this subtitle is not a material change of circumstance for the purpose of a modification of a child support award.

**[(d)] (E)** On or before January 1, 1993, and at least every 4 years after that date, the Child Support Administration of the Department of Human Services shall:

(1) review the guidelines set forth in this subtitle to ensure that the application of the guidelines results in the determination of appropriate child support award amounts; and

(2) report its findings and recommendations to the General Assembly, subject to § 2–1257 of the State Government Article.

### Article – Transportation

16–203.

(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:

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

(2) May issue a work–restricted license or work–restricted privilege to drive.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.