## SENATE BILL 15

D4, R4 5lr0868 SB 139/24 - JPR(PRE-FILED) **CF HB 681** By: Senator Watson Requested: September 17, 2024 Introduced and read first time: January 8, 2025 Assigned to: Judicial Proceedings Committee Report: Favorable Senate action: Adopted Read second time: March 23, 2025 CHAPTER AN ACT concerning Child Support - Driver's License Suspension for Arrearages and Court Orders FOR the purpose of altering the circumstances under which the Child Support Administration may 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; requiring the court, after establishing a child support order, to send a copy of the guideline calculation and the order to the Child Support Administration; and generally relating to the suspension of a driver's license or privilege to drive for child support arrearages. BY repealing and reenacting, with amendments, Article – Family Law Section 10-119 and 12-202 Annotated Code of Maryland (2019 Replacement Volume and 2024 Supplement) BY repealing and reenacting, with amendments, Article – Transportation Section 16–203(b) Annotated Code of Maryland (2020 Replacement Volume and 2024 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

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

[Brackets] indicate matter deleted from existing law.

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

That the Laws of Maryland read as follows:

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



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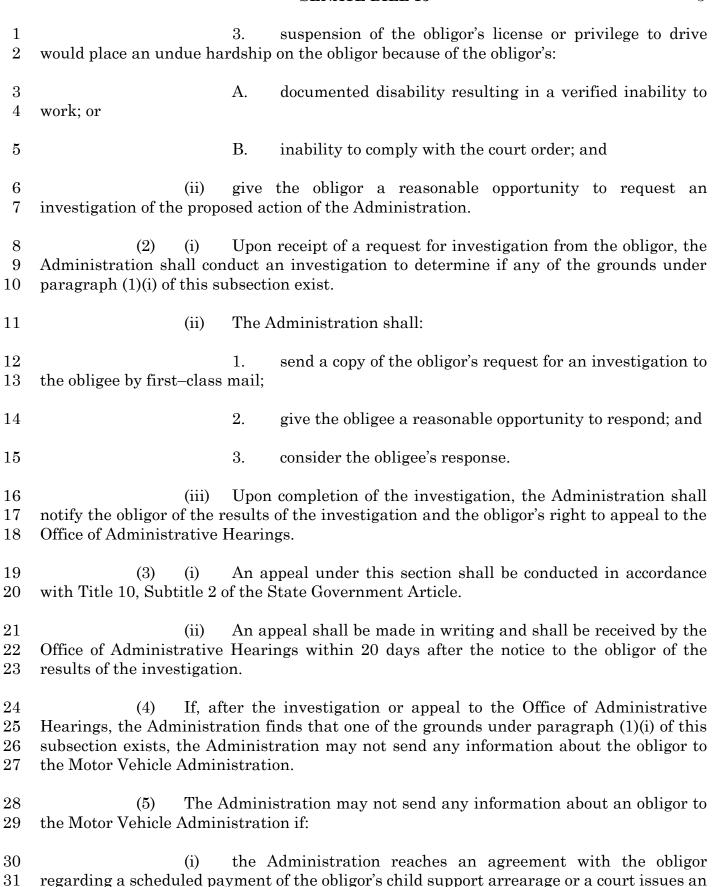
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## Article - Family Law 1 2 10-119.3 In this section the following words have the meanings indicated. (a) (1) "License" has the meaning stated in § 11–128 of the Transportation 4 (2) 5 Article. 6 (3)"Motor Vehicle Administration" means the Motor Vehicle 7 Administration of the Department of Transportation. 8 (b) Subject to the provisions of subsection (c) of this section, the (1) 9 Administration may notify the Motor Vehicle Administration of an obligor with a 10 noncommercial [license who is 60 days or more out of compliance,] or [an obligor with a] 11 commercial license who is 120 days or more out of compliance, with the most recent order 12 of the court in making child support payments if: 13 the Administration has accepted an assignment of support under § 5–312(b)(2) of the Human Services Article; or 14 15 the recipient of support payments has filed an application for 16 support enforcement services with the Administration. 17 Upon notification by the Administration under this subsection, the Motor Vehicle Administration: 18 19 (i) shall suspend the obligor's license or privilege to drive in the State; and 20 21may issue a work-restricted license or work-restricted privilege 22to drive in the State in accordance with § 16–203 of the Transportation Article. 23Before supplying any information to the Motor Vehicle Administration 24 under this section, the Administration shall: 25send written notice of the proposed action to the obligor, 26 including notice of the obligor's right to request an investigation on any of the following 27 grounds: 28 1. the information regarding the reported arrearage is 29 inaccurate;

suspension of the obligor's license or privilege to drive

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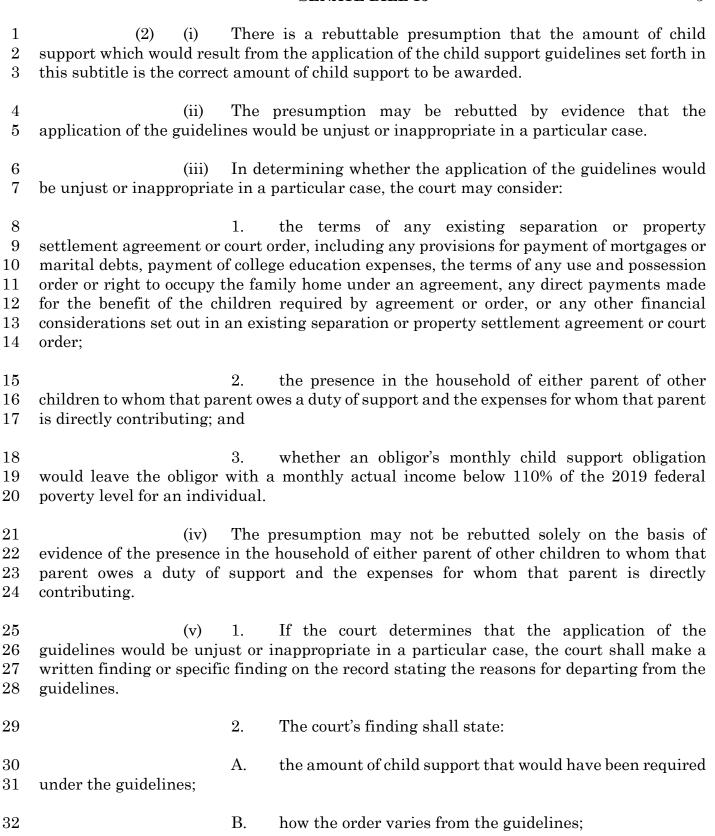
would be an impediment to the obligor's current or potential employment; or



order for a scheduled payment of the child support arrearage; and

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- 1 (ii) the obligor is complying with the agreement or court order.
- 2 (d) (1) If, after information about an obligor is supplied to the Motor Vehicle
  3 Administration, the obligor's arrearage is paid in full, the obligor has demonstrated good
  4 faith by paying the ordered amount of support for 6 consecutive months, the obligor is a
  5 participant in full compliance in an employment program approved by the Administration,
  6 or the Administration finds that one of the grounds under subsection (c)(1)(i) of this section
  7 exists, the Administration shall notify the Motor Vehicle Administration to reinstate the
  8 obligor's license or privilege to drive.
- 9 (2) The Administration may request that the Motor Vehicle 10 Administration expunge a record of a suspension of a license or privilege to drive for failure 11 to pay child support:
- 12 (i) for an obligor who is enrolled in and compliant with an 13 employment program approved by the Administration; or
- 14 (ii) if the information reported by the Administration that led to the 15 suspension was inaccurate.
- 16 (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.
- 24 **(2)** TO DETERMINE THE INCOME OF AN OBLIGOR UNDER THIS SUBSECTION, THE ADMINISTRATION MAY CONSIDER:
- 26 (I) THE INCOME OF THE OBLIGOR AT THE TIME THE MOST 27 RECENT CHILD SUPPORT ORDER WAS ENTERED; OR
- 28 (II) INFORMATION ON THE OBLIGOR'S INCOME PROVIDED BY 29 THE OBLIGOR OR AN EMPLOYER OF THE OBLIGOR.
- 30 12–202.
- 31 (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.



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

C.

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- 6 1 in cases in which items of value are conveyed instead of a D. 2 portion of the support presumed under the guidelines, the estimated value of the items 3 conveyed. 4 AFTER ESTABLISHING A CHILD SUPPORT ORDER, THE COURT SHALL (B) 5 SEND A COPY OF THE GUIDELINE CALCULATION AND THE ORDER TO THE CHILD 6 SUPPORT ADMINISTRATION. 7 [(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: 8
- 9 lives with the child who would be the subject of the child support (i)
- 11 is unemployed; (ii) 1.

order and is contributing to the support of the child; or

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

13 and

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- 14 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 15 16 support the child;
- 17 В. is institutionalized in a psychiatric care facility and is 18 expected to remain institutionalized for the remainder of the time that the parent would 19 have a legal duty to support the child:
- 20 is totally and permanently disabled, is unable to obtain or 21maintain employment, and has no income other than Supplemental Security Income or 22Social Security disability insurance benefits; or
- 23 D. is unable to obtain or maintain employment in the 24 foreseeable future due to compliance with criminal detainment, hospitalization, or a 25rehabilitation treatment plan.
- 26 The fact that a parent meets or ceases to meet the criteria described in 27 paragraph (1) of this subsection shall constitute a material change of circumstance for the 28purpose of a modification of a child support award.
- 29 [(c)] **(D)** The adoption or revision of the guidelines set forth in this subtitle is not 30 a material change of circumstance for the purpose of a modification of a child support 31 award.
- 32 On or before January 1, 1993, and at least every 4 years after that date, [(d)] **(E)** 33 the Child Support Administration of the Department of Human Services shall:

1 2 3	(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
4 5	(2) report its findings and recommendations to the General Assembly subject to $\S~2-1257$ of the State Government Article.
6	Article - Transportation
7	16–203.
8 9 10 11	(b) On notification by the Child Support Administration in accordance with § 10–119 of the Family Law Article that an obligor is [60] <b>120</b> days or more out of compliance with the most recent order of the court in making child support payments, the Administration:
12	(1) Shall suspend an obligor's license or privilege to drive in the State; and
13 14	(2) May issue a work–restricted license or work–restricted privilege to drive.
15 16	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.
	Approved:
	Governor.
	President of the Senate.
	Speaker of the House of Delegates.