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February 9, 2021

TO: The Honorable William C. Smith, Jr.  
Chair, Judiciary Committee

FROM: The Office of the Attorney General

RE: SB 402 Driver's Licenses – Suspension for Child Support Arrearages – Repeal –  
**Support with Amendments**

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The Office of Attorney General supports curbing the Child Support Administration's ability to cause the Motor Vehicle Administration to suspend an individual's driver's license for child support arrearages whenever the arrearages are caused by an individual's indigency.

Concerns have been raised about repealing altogether the authority to suspend drivers' licenses based upon child support arrearages. Passage of a full repeal, as SB 402 was introduced, would arguably place the State in violation of federal law because 42 U.S.C. § 666(a)(16) requires states to have a program to suspend the drivers' licenses of delinquent child support obligors. This violation could subject the Child Support Administration to a complete loss of its substantial federal funding and would also eliminate one of its enforcement tools. Therefore, our Office supports passage of a modified bill that eliminates this authority for individuals who earn less than 300 percent of the federal poverty level.

In short, we support amending SB 402 (HB 580) to require some sort of means-testing before automatically suspending the driver's license of every parent who falls behind on child support. With that change, our Office would unequivocally support a favorable report on SB 402.

cc: Members of the Committee