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Judiciary Committee

Subcommittees

Juvenile Law

Public Safety



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Chair Clippinger and Vice Chair Atterbeary
House Judiciary Committee
House Office Building Room 101
Annapolis, MD 21401

February 11, 2021

Dear Chair Clippinger, Vice Chair Atterbeary and Committee Members:

I am pleased to present House Bill 580 - *Driver's Licenses - Suspension for Child Support Arrearages - Repeal*. This legislation will eliminate the suspension of driver's licenses for nonpayment of child support. This legislation aims to protect indigent Marylanders, who are being punished for not having the financial means to pay child support.

Mobility is key in Maryland's regional economy. The Census Bureau reported that more than 50% of Marylanders travel outside of their county for employment. This statistic is more pronounced for lower-income communities of color where there is a scarcity of jobs available by public transit. In fact, only 9% of jobs in the Baltimore region can be reached within one hour, one-way by public transit. Thus for economic sustainability, both a valid driver's license and a vehicle are necessary.

In 2015, NPR reported that 62% of Marylanders who owe child support make less than minimum wage, but owe at least \$10,000 in unpaid arrearages. Maryland Code Ann., Fam. Law § 10-119 states that upon 60 days of nonpayment of child support an obligor shall have their license or privilege to drive suspended. Beyond this, Maryland Code Ann., Transportation §16-303 states that driving on an invalid license (suspended, canceled, or revoked) in Maryland is a crime punishable by up to (1) one year in jail, a \$1000 fine, or both. As such, child support debt triggers a suspended driver's license, arrest, or incarceration, further complicating the ability of low-wage workers to secure and maintain employment.

Although African Americans make up 31.1% of Maryland's population, MDOT data suggests that they made up to 71% of the license suspensions between 2015 - 2020. There is no evidence that suggests that suspending an individual's driver's license improves the collection of arrears for persons making less than 300% of the Federal Poverty Level (FPL) or \$39k annually. However, Maryland continues the practice of suspending lower-income obligors in supposed compliance with federal law.

Federal Code 42 U.S.C.A. § 666 (a) demands that all U.S. States have laws that “increase the effectiveness of the [child support enforcement] program which the state administers” and allows the State to withhold, suspend, or restrict licenses of individuals owing child support in “in appropriate cases” (16). If Maryland does not have a suspension program for those who are outside of compliance, they risk losing access to federal funds.

Driver’s license suspensions for workers who make less than \$39k annually cannot be considered “appropriate” or increasing “effectiveness” as it (1) wastes taxpayer dollars in collections enforcement, (2) prohibits and eliminates access to employment for workers and job seekers, and (3) heightens tensions between the custodial parties and, in turn, decreases compliance rates. As such, Maryland should allow for the repeal of driver’s license suspensions for obligors who make less than \$39k per year (300% FPL).

If Maryland truly wants to stay in compliance with federal statutes regarding child support enforcement, the most effective way to accomplish this would be to ensure that all non-custodial parents have the financial standing to remain in compliance with their obligation. Suspending licenses for lower-income obligors runs counter to the stated purpose of increasing compliance in child support.

For these reasons and more, we urge a favorable report with amendments on House Bill 580.

Sincerely,

Delegate Debra M. Davis
District 28, Charles County