

# SENATE BILL 139

D4, R4  
SB 164/23 – JPR

(PRE-FILED)

4lr0726

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By: **Senator Watson**

Requested: September 27, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2024

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

1 AN ACT concerning

2 **Driver's Licenses – Suspension for Child Support Arrearages – Exception**

3 FOR the purpose of establishing a certain exception to the authority of the Child Support  
4 Administration to 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 if the obligor's income is at or below a certain level; authorizing the  
7 Child Support Administration to consider certain information in determining the  
8 income of an obligor under this Act; and generally relating to the suspension of a  
9 driver's license or privilege to drive for child support arrearages.

10 BY repealing and reenacting, with amendments,  
11 Article – Family Law  
12 Section 10–119  
13 Annotated Code of Maryland  
14 (2019 Replacement Volume and 2023 Supplement)

15 ~~BY repealing and reenacting, without amendments,~~  
16 ~~Article – Transportation~~  
17 ~~Section 16–203(a)~~  
18 ~~Annotated Code of Maryland~~  
19 ~~(2020 Replacement Volume and 2023 Supplement)~~

20 ~~BY repealing and reenacting, with amendments,~~  
21 ~~Article – Transportation~~

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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.



~~Section 16-203(b), (e), and (f)~~  
~~Annotated Code of Maryland~~  
~~(2020 Replacement Volume and 2023 Supplement)~~

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

**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) 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, THE COMPTROLLER, OR AN EMPLOYER OF THE OBLIGOR.~~

~~(c)~~ (1) Subject to the provisions of subsection ~~[(c)]~~ ~~(d)~~ 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.



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

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

6 (ii) An appeal shall be made in writing and shall be received by the  
7 Office of Administrative Hearings within ~~20~~ 30 days after the notice to the obligor of the  
8 results of the investigation.

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

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

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

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

19 ~~[(d)] (E)~~ (1) If, after information about an obligor is supplied to the Motor  
20 Vehicle Administration, the obligor's arrearage is paid in full, the obligor has demonstrated  
21 good faith by paying the ordered amount of support for 6 consecutive months, the obligor is  
22 a participant in full compliance in an employment program approved by the  
23 Administration, or the Administration finds that one of the grounds under subsection  
24 ~~[(c)(1)(i)] (D)(1)(I)~~ of this section exists, the Administration shall notify the Motor Vehicle  
25 Administration to reinstate the obligor's license or privilege to drive.

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

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

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

33 ~~[(e)] (F)~~ The Secretary of Human Services, in cooperation with the Secretary of  
34 Transportation, ~~THE COMPTROLLER,~~ and the Office of Administrative Hearings, shall  
35 adopt regulations to implement this section.

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

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

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

10 (II) INFORMATION ON THE OBLIGOR'S INCOME PROVIDED BY  
 11 THE OBLIGOR, THE COMPTROLLER, OR AN EMPLOYER OF THE OBLIGOR.

12 ~~Article—Transportation~~

13 ~~16-203.~~

14 ~~(a) In this section, "Child Support Administration" means the Child Support~~  
 15 ~~Administration of the Department of Human Services.~~

16 ~~(b) On notification by the Child Support Administration in accordance with §~~  
 17 ~~10-119 of the Family Law Article that an obligor is [60] 120 days or more out of compliance~~  
 18 ~~with the most recent order of the court in making child support payments, the~~  
 19 ~~Administration:~~

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

21 ~~(2) May issue a work restricted license or work restricted privilege to~~  
 22 ~~drive.~~

23 ~~(c) The Administration shall reinstate an obligor's license or privilege to drive in~~  
 24 ~~the State if:~~

25 ~~(1) The Administration receives a court order to reinstate the license or~~  
 26 ~~privilege to drive; or~~

27 ~~(2) The Child Support Administration notifies the Administration that:~~

28 ~~(i) The individual whose license or privilege to drive was suspended~~  
 29 ~~is not in arrears in making child support payments;~~

30 ~~(ii) The obligor has paid the support arrearage in full;~~

1 ~~(iii) The obligor has demonstrated good faith by paying the ordered~~  
2 ~~amount of support for 6 consecutive months;~~

3 ~~(iv) The obligor is a participant in full compliance in an employment~~  
4 ~~program approved by the Child Support Administration; or~~

5 ~~(v) One of the grounds under [§ 10-119(e)(1)(i)] § 10-119(D)(1)(i)~~  
6 ~~of the Family Law Article exists.~~

7 ~~(f) The Secretary of Transportation, in cooperation with the Secretary of Human~~  
8 ~~Services, THE COMPTROLLER, and the Office of Administrative Hearings, shall adopt~~  
9 ~~regulations to implement this section.~~

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2024.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.