

SENATE BILL 402

D4, R4

1lr2301
CF 1lr1576

By: **Senator Carter**

Introduced and read first time: January 15, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of repealing the process under which the Child Support Administration
4 is authorized 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; repealing the process under which the Motor Vehicle
7 Administration is required to suspend an individual's driver's license or privilege to
8 drive on certain notice that the individual has child support arrearages; making
9 certain conforming changes; making certain stylistic changes; and generally relating
10 to the repeal of the processes under which an individual's driver's license or privilege
11 to drive is suspended as a result of child support arrearages.

12 BY repealing

13 Article – Family Law

14 Section 10–119

15 Annotated Code of Maryland

16 (2019 Replacement Volume and 2020 Supplement)

17 BY repealing

18 Article – Transportation

19 Section 16–203

20 Annotated Code of Maryland

21 (2020 Replacement Volume)

22 BY repealing and reenacting, with amendments,

23 Article – Transportation

24 Section 16–208(a) and 16–303(h)

25 Annotated Code of Maryland

26 (2020 Replacement Volume)

27 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.



1 That the Laws of Maryland read as follows:

2 **Article – Family Law**

3 [10–119.

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

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

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

9 (b) (1) Subject to the provisions of subsection (c) of this section, the
10 Administration may notify the Motor Vehicle Administration of an obligor with a
11 noncommercial license who is 60 days or more out of compliance, or an obligor with a
12 commercial license who is 120 days or more out of compliance, with the most recent order
13 of the court in making child support payments if:

14 (i) the Administration has accepted an assignment of support under
15 § 5–312(b)(2) of the Human Services Article; or

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

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

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

22 (ii) may issue a work–restricted license or work–restricted privilege
23 to drive in the State in accordance with § 16–203 of the Transportation Article.

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

26 (i) send written notice of the proposed action to the obligor,
27 including notice of the obligor’s right to request an investigation on any of the following
28 grounds:

29 1. the information regarding the reported arrearage is
30 inaccurate;

31 2. suspension of the obligor’s license or privilege to drive
32 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

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
17 Transportation and the Office of Administrative Hearings, shall adopt regulations to
18 implement this section.]

19 Article – Transportation

20 [16–203.

21 (a) In this section, “Child Support Administration” means the Child Support
22 Administration of the Department of Human Services.

23 (b) On notification by the Child Support Administration in accordance with §
24 10–119 of the Family Law Article that an obligor is 60 days or more out of compliance with
25 the most recent order of the court in making child support payments, the Administration:

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

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

29 (c) (1) Prior to the suspension of a license or the privilege to drive in the State
30 and the issuance of a work–restricted license or work–restricted privilege to drive under
31 subsection (b) of this section, the Administration shall send written notice of the proposed
32 action to the obligor, including notice of the obligor's right to contest the accuracy of the
33 information.

1 (2) Any contest under this subsection shall be limited to whether the
2 Administration has mistaken the identity of the obligor or the individual whose license or
3 privilege to drive has been suspended.

4 (d) (1) An obligor may appeal a decision of the Administration to suspend the
5 obligor's license or privilege to drive.

6 (2) At a hearing under this subsection, the issue shall be limited to whether
7 the Administration has mistaken the identity of the obligor or the individual whose license
8 or privilege to drive has been suspended.

9 (e) The Administration shall reinstate an obligor's license or privilege to drive in
10 the State if:

11 (1) The Administration receives a court order to reinstate the license or
12 privilege to drive; or

13 (2) The Child Support Administration notifies the Administration that:

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

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

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

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

21 (v) One of the grounds under § 10-119(c)(1)(i) of the Family Law
22 Article exists.

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

26 16-208.

27 (a) (1) Except as provided in paragraph (2) of this subsection, §§ 16-205(d-1)
28 and 16-206(a)(4), (b), and (c) of this subtitle, § 16-404(c)(2) and (3) of this title, and §
29 3-8A-23 of the Courts and Judicial Proceedings Article, the Administration may not
30 suspend a license or privilege to drive for a period of more than 1 year.

31 (2) After notice and hearing, the Administration may suspend for an
32 indefinite period the license or privilege of any individual who cannot drive safely because
33 of [his] **THE physical or mental condition OF THE INDIVIDUAL.**

1 (3) This subsection does not apply to or affect the suspension of any license
2 **FOR FAILURE TO:**

3 (i) [For failure to comply] **COMPLY** with the required security
4 provisions of Title 17 of this article;

5 (ii) [For failure to appear] **APPEAR** at a hearing as provided in Title
6 12, Subtitle 2 of this article;

7 (iii) [For failure to obey] **OBEY** a citation, as provided in Title 26 of
8 this article; **OR**

9 (iv) [For failure to pay] **PAY** a fine in accordance with the court's
10 directive as provided in Title 27 of this article[; or

11 (v) For failure to pay child support, as provided in § 16–203 of this
12 subtitle].

13 16–303.

14 (h) A person may not drive a motor vehicle on any highway or on any property
15 specified in § 21–101.1 of this article while the person's license or privilege to drive is
16 suspended under [§ 16–203,] § 16–206(a)(2) for failure to attend a driver improvement
17 program, § 17–106, § 26–204, § 26–206, or § 27–103 of this article.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2021.