

SENATE BILL 106

D4

(PRE-FILED)

5lr1459
CF HB 110

By: **Senator Muse**

Requested: October 29, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support – Suspension of Driver’s Licenses**

3 FOR the purpose of altering provisions of law relating to the authority of the Child Support
4 Enforcement Administration to notify the Motor Vehicle Administration of an
5 individual’s child support arrearages for the purpose of suspending the individual’s
6 driver’s license or privilege to drive under certain circumstances; and generally
7 relating to the suspension of an individual’s driver’s license or privilege to drive for
8 child support arrearages.

9 BY repealing and reenacting, with amendments,
10 Article – Family Law
11 Section 10–119
12 Annotated Code of Maryland
13 (2019 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Family Law
16 Section 12–201(q)
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2024 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Transportation
21 Section 16–203
22 Annotated Code of Maryland
23 (2020 Replacement Volume and 2024 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Family Law**

2 10–119.

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

4 (2) “License” has the meaning stated in § 11–128 of the Transportation
5 Article.6 (3) “Motor Vehicle Administration” means the Motor Vehicle
7 Administration of the Department of Transportation.8 (b) (1) Subject to the provisions of subsection (c) of this section, the
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 (i) the Administration has accepted an assignment of support under
14 § 5–312(b)(2) of the Human Services Article; or15 (ii) the recipient of support payments has filed an application for
16 support enforcement services with the Administration.17 (2) Upon notification by the Administration under this subsection, the
18 Motor Vehicle Administration:19 (i) shall suspend the obligor’s license or privilege to drive in the
20 State; and21 (ii) may issue a work–restricted license or work–restricted privilege
22 to drive in the State in accordance with § 16–203 of the Transportation Article.23 (c) (1) **(I) 1.** Before supplying any information to the Motor Vehicle
24 Administration under this section, **AND AFTER MAKING REASONABLE ATTEMPTS TO**
25 **NOTIFY THE OBLIGOR OF NONCOMPLIANCE STATUS**, 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 PETITION THE COURT TO MAKE A FINDING THAT SUSPENSION OF THE OBLIGOR'S
3 LICENSE OR PRIVILEGE TO DRIVE IS APPROPRIATE UNDER THE PROVISIONS OF THIS
4 SUBSECTION.

5 2. REASONABLE ATTEMPTS TO NOTIFY THE OBLIGOR
6 UNDER THIS SUBPARAGRAPH SHALL INCLUDE WRITTEN AND ELECTRONIC NOTICE.

7 3. NOTICE OF THE COURT PETITION SHALL BE SERVED
8 ON THE OBLIGOR.

9 (II) IF, AFTER A HEARING, THE COURT DETERMINES THAT
10 SUSPENSION OF THE OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE IS APPROPRIATE,
11 THE ADMINISTRATION MAY NOTIFY THE MOTOR VEHICLE ADMINISTRATION.

12 (2) THE COURT MAY MAKE A FINDING THAT SUSPENSION OF THE
13 OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE IS APPROPRIATE IF THE
14 ADMINISTRATION PROVES BY CLEAR AND CONVINCING EVIDENCE THAT THE
15 OBLIGOR HAS THE FUNDS TO PAY THE ARREARAGE BALANCE BUT IS MAKING THE
16 FREE AND CONSCIOUS CHOICE TO WITHHOLD PAYMENT OR IS VOLUNTARILY
17 IMPOVERISHED, AS DEFINED IN § 12-201(Q) OF THIS ARTICLE.

18 (3) THE COURT MAY NOT MAKE A FINDING THAT SUSPENSION OF THE
19 OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE IS APPROPRIATE IF:

20 (I) THE OBLIGOR PROVES BY A PREPONDERANCE OF THE
21 EVIDENCE ANY OF THE FOLLOWING FACTORS:

22 1. THE MINOR CHILD IS RESIDING PRIMARILY WITH THE
23 OBLIGOR;

24 2. THE OBLIGOR HAS A DOCUMENTED DISABILITY
25 RESULTING IN A VERIFIED INABILITY TO WORK;

26 3. SUSPENSION OF THE OBLIGOR'S LICENSE OR
27 PRIVILEGE TO DRIVE WOULD BE AN IMPEDIMENT TO CURRENT OR POTENTIAL
28 EMPLOYMENT;

29 4. THE OBLIGOR DOES NOT HAVE THE ABILITY TO PAY
30 AND IS MAKING REASONABLE EFFORTS TO BECOME OR REMAIN EMPLOYED;

31 5. THE ADMINISTRATION REACHED AN AGREEMENT
32 WITH THE OBLIGOR, INCLUDING THROUGH A PAYMENT INCENTIVE PROGRAM FOR A
33 SCHEDULED PAYMENT OF THE ARREARAGES, OR THE COURT ISSUED AN ORDER FOR

1 A SCHEDULED PAYMENT OF THE ARREARAGES, AND THE COURT DETERMINES THAT
2 THE OBLIGOR IS COMPLYING WITH THE AGREEMENT OR THE ORDER;

3 6. SUSPENSION OF THE OBLIGOR'S LICENSE OR
4 PRIVILEGE TO DRIVE WOULD BE AN IMPEDIMENT TO THE OBLIGOR'S ABILITY TO
5 ASSIST WITH THE TRANSPORTATION NEEDS OF THE MINOR CHILD; OR

6 7. ANY OTHER CIRCUMSTANCE THAT THE COURT
7 DETERMINES WOULD PLACE AN UNDUE HARDSHIP ON THE MINOR CHILD, THE CHILD
8 SUPPORT PAYMENT RECIPIENT, OR THE OBLIGOR; OR

9 (II) THE INFORMATION REGARDING THE REPORTED
10 ARREARAGE IS INACCURATE.

11 (d) (1) (I) [If, after] AFTER information about an obligor is supplied to the
12 Motor Vehicle Administration, [the obligor's arrearage is paid in full, the obligor has
13 demonstrated good faith by paying the ordered amount of support for 6 consecutive months,
14 the obligor is a participant in full compliance in an employment program approved by the
15 Administration, or the Administration finds that one of the grounds under subsection
16 (c)(1)(i) of this section exists] IF THE ADMINISTRATION OR THE COURT FINDS THAT THE
17 SUSPENSION OF THE OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE IS NOT
18 APPROPRIATE UNDER THIS SECTION, the Administration shall notify the Motor Vehicle
19 Administration to reinstate the obligor's license or privilege to drive.

20 (II) THE OBLIGOR MAY MAKE A REQUEST FOR REINSTATEMENT
21 OF THE OBLIGOR'S LICENSE OR PRIVILEGE TO DRIVE WITH THE ADMINISTRATION
22 OR WITH THE COURT.

23 (2) [The] ON REQUEST OF THE OBLIGOR, THE Administration [may]
24 SHALL request that the Motor Vehicle Administration expunge a record of a suspension of
25 a license or privilege to drive for failure to pay child support:

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

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

30 (e) The Secretary of Human Services, in cooperation with the Secretary of
31 Transportation [and the Office of Administrative Hearings], shall adopt regulations to
32 implement this section.

33 (F) THE SUPREME COURT OF MARYLAND MAY ADOPT RULES TO
34 IMPLEMENT THIS SECTION.

1 12–201.

2 (q) “Voluntarily impoverished” means that a parent has made the free and
3 conscious choice, not compelled by factors beyond the parent’s control, to render the parent
4 without adequate resources.

5 Article – Transportation

6 16–203.

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

9 (b) On notification by the Child Support Administration in accordance with §
10 10–119 of the Family Law Article that an obligor is [60] **120** days or more out of compliance
11 with the most recent order of the court in making child support payments, the
12 Administration:

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

14 (2) May issue a work–restricted license or work–restricted privilege to
15 drive.

16 (c) (1) Prior to the suspension of a license or the privilege to drive in the State
17 and the issuance of a work–restricted license or work–restricted privilege to drive under
18 subsection (b) of this section, the Administration shall [send written notice] **MAKE**
19 **REASONABLE ATTEMPTS TO NOTIFY THE OBLIGOR** of the proposed action [to the
20 obligor] **IN ACCORDANCE WITH § 10–119(C)(1)(I)2 OF THE FAMILY LAW ARTICLE**,
21 including notice of the obligor’s right to contest the accuracy of the information.

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

25 (d) (1) An obligor may appeal a decision of the Administration to suspend the
26 obligor’s license or privilege to drive.

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

30 (e) The Administration shall reinstate an obligor’s license or privilege to drive in
31 the State if:

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

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

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

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

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

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

9 (v) One of the grounds under [§ 10–119(c)(1)(i)] **§ 10–119(c)(3)** of
10 the Family Law Article exists.

11 (f) The Secretary of Transportation, in cooperation with the Secretary of Human
12 Services [and the Office of Administrative Hearings], shall adopt regulations to implement
13 this section.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2025.