

A008-0304

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**AN ACT CONCERNING
CHILD SUPPORT ENFORCEMENT**

30 **FOR** the purpose of increasing penalties and modifying child support enforcement
40 procedures in the State of Maryland.

50 **BY** adding to and modifying
60 Article - Family Law
70 § 10-119
80 Annotated Code of Maryland

90 **SECTION 1** BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE THAT
100 MARYLAND LAW BE ENACTED AS FOLLOWS:

110 (a) (1) In this section the following words have the meanings indicated.
120 (2) "License" has the meaning stated in § 11-128 of the Transportation Article.
130 (3) "Motor Vehicle Administration" means the Motor Vehicle Administration of the
140 Department of Transportation.

150 (b) (1) Subject to the provisions of subsection (c) of this section, the Administration
160 shall notify the Motor Vehicle Administration of any obligor who is ~~60 days~~ \$500.00 or more out
170 of compliance with the most recent order of the court in making child support payments if:

180 (i) the Administration has accepted an assignment of support under Article 88A, § 50(b)(2)
190 of the Code; or
200 (ii) the recipient of support payments has filed an application for support enforcement
210 services with the Administration.

220 (2) Upon notification by the Administration under this subsection, the Motor Vehicle
230 Administration:
240 (i) shall suspend the obligor's license or privilege to drive in the State; and
250 (ii) may issue a work-restricted license or work-restricted privilege to drive in the State in
260 accordance with § 16-203 of the Transportation Article.

270 (c) (1) Before supplying any information to the Motor Vehicle Administration under this
280 section, the Administration shall:
290 (i) send written notice of the proposed action to the obligor, including notice of the obligor's
300 right to contest the accuracy of the reported arrearage by requesting an investigation; and;
310 (ii) give the obligor ~~a reasonable~~ **FOURTEEN DAYS** opportunity to contest the accuracy of
320 the information.

330 (2) (i) Upon receipt of a request for investigation from the obligor, the
340 Administration shall ~~conduct~~ **COMPLETE WITHIN FOURTEEN DAYS** an investigation
350 as to the accuracy of the reported arrearage.
360 (ii) Upon completion of the investigation, the Administration shall notify the obligor of the
370 results of the investigation and the obligor's right to appeal to the Office of Administrative
380 Hearings.

390 (3) (i) An appeal under this section shall be conducted in accordance with Title 10,
400 Subtitle 2 of the State Government Article. **HOWEVER, THE INFORMATION MAY BE**
410 **SENT TO THE MOTOR VEHICLE ADMINISTRATION PENDING APPEAL.**
420 (ii) An appeal shall be made in writing and shall be received by the Office of Administrative
430 Hearings within 20 days after the notice to the obligor of the results of the investigation.

440 (4) If, after the investigation or appeal to the Office of Administrative Hearings, the
450 Administration finds that it erred in making a decision, the Administration ~~may not send~~
460 MUST REVOKE any information about the obligor SENT to the Motor Vehicle
470 Administration.

480 (5) The Administration may not send any information about an obligor to the Motor
490 Vehicle Administration if:
500 (i) the Administration reaches an agreement with the obligor regarding a scheduled
510 payment of the obligor's child support arrearage or a court issues an order for a scheduled
520 payment of the child support arrearage; and
530 (ii) the obligor is FULLY complying with the agreement or court order.

540 (d) If after information about an obligor is supplied to the Motor Vehicle Administration the
550 obligor's arrearage is paid in full ~~or the obligor has demonstrated good faith (omit totally) by~~
560 ~~paying the ordered amount of support for 6 consecutive months~~ the Administration shall notify
570 the Motor Vehicle Administration to reinstate the obligor's license or privilege to drive.

580 (E) IF THE OBLIGOR FALLS \$1,500 OR MORE IN ARREARAGE, REGARDLESS OF THE
590 CURRENT AGREEMENTS THE ADMINISTRATION SHALL, IN ORDER TO ENFORCE
600 THE ORIGINAL ORDER, BE EMPOWERED TO PLACE A BOOT ON THE VEHICLE OF
610 THE OBLIGOR UNTIL FULL PAYMENT IS MADE.

620 (F) IF THE OBLIGOR FALLS \$2,500 OR MORE IN ARREARAGE, THE ADMINISTRATION
630 SHALL HAVE THE POWER TO PLACE ADMINISTRATIVE LIENS AGAINST AND HAVE
640 THE POWER TO SEIZE ALL REAL AND PERSONAL PROPERTY OF THE OBLIGOR
650 UNTIL EITHER THE ARREARAGE IS SATISFIED OR THERE IS NO MORE PROPERTY
660 THAT A LIEN AND/OR SEIZURE CAN BE PLACED AGAINST.

670 (g) The Secretary of Human Resources, in cooperation with the Secretary of Transportation and
680 the Office of Administrative Hearings, shall adopt regulations to implement this section.

690 **SECTION 2** AND BE IT FURTHER ENACTED, that this law will take effect January 1st, 2005

700 **MANDATES:** Governor Robert Ehrlich
710 Lt. Governor Michael Steele
720 Delegate Mary Ann Love
730 Delegate Terry Gilleland
740 Delegate Theodore Sophocles
750 Maryland General Assembly Judiciary Committee

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