

HOUSE BILL 1047

D4

7lr2730
CF SB 906

By: **Delegates Moon, Dumais, Sanchez, and Sydnor**

Introduced and read first time: February 8, 2017

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2017

CHAPTER _____

1 AN ACT concerning

2 ~~Child Support – Suspension of Employment Related License for Arrears~~
3 ~~Hardship Exception and Reinstatement~~
4 Child Support – Noncompliance With Court Order – License Suspension

5 FOR the purpose of extending the period of time that an individual with a commercial
6 driver's license may be out of compliance with the most recent order of the court in
7 making child support payments before the Child Support Enforcement
8 Administration may notify the Motor Vehicle Administration to suspend the
9 individual's driver's license; altering the circumstances under which the Child
10 Support Enforcement Administration may request that a certain licensing authority
11 suspend or deny a certain license under certain circumstances; requiring that a
12 notice of a certain proposed action to suspend or deny a business, occupational, or
13 professional license for failure to pay child support contain certain information on
14 grounds for requesting a certain investigation; ~~authorizing the Child Support~~
15 ~~Enforcement Administration to choose temporarily not to request a suspension of a~~
16 ~~certain license under certain circumstances~~ altering the circumstances under which
17 the Child Support Enforcement Administration may not send a notification about an
18 individual to a certain licensing authority; providing certain additional
19 circumstances under which a certain license suspended for failure to pay child
20 support may be reinstated; making a certain stylistic change; and generally relating
21 to the suspension of ~~employment-related~~ licenses for the failure to pay child support.

22 BY repealing and reenacting, without amendments,

23 Article – Family Law

24 Section 10–119(a) and 10–119.3(a)(1) and (2)

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.



1 Annotated Code of Maryland
2 (2012 Replacement Volume and 2016 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Family Law
5 Section ~~10–119.3(f)~~ 10–119(b)(1) and 10–119.3(e)(1)(i), (f), and (j)
6 Annotated Code of Maryland
7 (2012 Replacement Volume and 2016 Supplement)

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

10 **Article – Family Law**

11 10–119.

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

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

15 (3) “Motor Vehicle Administration” means the Motor Vehicle
16 Administration of the Department of Transportation.

17 (b) (1) Subject to the provisions of subsection (c) of this section, the
18 Administration may notify the Motor Vehicle Administration of [any] AN obligor WITH A
19 NONCOMMERCIAL LICENSE who is 60 days or more out of compliance, OR AN OBLIGOR
20 WITH A COMMERCIAL LICENSE WHO IS 120 DAYS OR MORE OUT OF COMPLIANCE, with
21 the most recent order of the court in making child support payments if:

22 (i) the Administration has accepted an assignment of support under
23 § 5–312(b)(2) of the Human Services Article; or

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

26 10–119.3.

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

28 (2) “License” means any license, certificate, registration, permit, or other
29 authorization that:

30 (i) is issued by a licensing authority;

31 (ii) is subject to suspension, revocation, forfeiture, or termination by
32 a licensing authority; and

(iii) is necessary for an individual to practice or engage in:

1. a particular business, occupation, or profession; or

2. recreational hunting or fishing.

(e) (1) Except as provided in paragraph (3) of this subsection and subject to the provisions of subsection (f) of this section, the Administration may request a licensing authority to suspend or deny an individual's license if:

(i) 1. the individual is [in arrears amounting to more than] 120 days [under] OR MORE OUT OF COMPLIANCE WITH the most recent order; and

2. A. the Administration has accepted an assignment of support under § 5-312(b)(2) of the Human Services Article; or

B. the recipient of support payments has filed an application for support enforcement services with the Administration; or

(f) (1) At least 30 days before requesting a licensing authority to suspend or deny a license or at least 30 days before making a referral under subsection (e)(3) of this section, the Administration shall:

(i) send written notice of the proposed action to the individual whose license is subject to suspension under this section, including notice of the individual's right to request an investigation; and

(ii) give the individual a reasonable opportunity to contest the accuracy of the information.

(2) ~~(1)~~ **FOR A LICENSE NECESSARY TO PRACTICE OR ENGAGE IN A PARTICULAR BUSINESS, OCCUPATION, OR PROFESSION, THE NOTICE SHALL INCLUDE A STATEMENT THAT THE OBLIGOR HAS THE RIGHT TO REQUEST AN INVESTIGATION ON THE FOLLOWING GROUNDS:**

~~1.~~ **(I) THE REPORTED ARREARAGE IS INACCURATE;**

~~2.~~ **(II) A. 1. THE SUSPENSION OF THE LICENSE WOULD BE AN IMPEDIMENT TO CURRENT OR POTENTIAL EMPLOYMENT BECAUSE THE LICENSE IS NECESSARY FOR THE PRIMARY SOURCE OF INCOME FOR THE OBLIGOR; AND**

B. 2. THE OBLIGOR HAS MADE GOOD FAITH PAYMENTS TOWARD THE CHILD SUPPORT OBLIGATION; OR

1 ~~3.~~ **(III)** THE SUSPENSION OF THE LICENSE WOULD
2 RESULT IN AN UNDUE HARDSHIP BECAUSE:

3 ~~A.~~ **1.** THE OBLIGOR HAS A DOCUMENTED DISABILITY
4 RESULTING IN A VERIFIED INABILITY TO WORK; OR

5 ~~B.~~ **2.** THE SUSPENSION OF THE LICENSE WOULD
6 RESULT IN THE INABILITY OF THE OBLIGOR TO COMPLY WITH THE COURT ORDER.

7 ~~(H) THE ADMINISTRATION MAY CHOOSE TEMPORARILY NOT TO
8 REQUEST A LICENSING AUTHORITY TO SUSPEND A LICENSE UNDER THIS SECTION IF
9 THE ADMINISTRATION DETERMINES, AFTER AN INVESTIGATION, THAT SUSPENSION
10 OF THE LICENSE WOULD RESULT IN AN UNDUE HARDSHIP OR WOULD OTHERWISE BE
11 INAPPROPRIATE.~~

12 **(3)** (i) Upon receipt of a request for investigation from an individual
13 whose license is subject to suspension, the Administration shall conduct an investigation.

14 (ii) Upon completion of the investigation, the Administration shall
15 notify the individual of the result of the investigation and the individual's right to appeal
16 to the Office of Administrative Hearings.

17 ~~[(3)]~~ **(4)** (i) An appeal under this section shall be conducted in
18 accordance with Title 10, Subtitle 2 of the State Government Article.

19 (ii) An appeal shall be made in writing and shall be received by the
20 Office of Administrative Hearings within 30 days after the notice to the individual whose
21 license is subject to suspension of the results of the investigation.

22 ~~[(4)]~~ **(5)** If, after the investigation or appeal to the Office of
23 Administrative Hearings, the Administration finds that it erred in making a decision OR
24 THAT ONE OF THE GROUNDS UNDER PARAGRAPH (2) OF THIS SUBSECTION EXISTS,
25 the Administration may not send a notification about an individual to a licensing authority
26 or make a referral under subsection (e)(3) of this section.

27 (j) The Administration shall notify the licensing authority to reinstate any
28 license suspended or denied under this section within 10 days after the occurrence of any
29 of the following events:

30 (1) the Administration receives a court order to reinstate the suspended
31 license;

32 (2) with respect to an individual with a child support arrearage, the
33 individual has:

34 (i) paid the support arrearage in full;

1 (ii) demonstrated good faith by paying the ordered amount of
2 support for 4 consecutive months; [or]

3 (III) PAID A LUMP SUM EQUAL TO FOUR TIMES THE ORDERED
4 AMOUNT OF MONTHLY SUPPORT;

5 (IV) COOPERATED WITH THE ADMINISTRATION IN ENTERING
6 INTO AN ENFORCEABLE WAGE WITHHOLDING ORDER WITH THE MAXIMUM
7 DEDUCTION PERMITTED UNDER FEDERAL LAW; OR

8 [(iii)] (V) fully complied with the Noncustodial Parent Employment
9 Assistance Pilot Program established under § 10–112.2 of this title; or

10 (3) with respect to an individual whose license was suspended or denied
11 because of a failure to comply with a subpoena issued under § 10–108.5 of this subtitle, the
12 individual has complied with the subpoena.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.