

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 727

By: Allen

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6 AS INTRODUCED

7 An Act relating to child support enforcement;
8 amending 43 O.S. 2011, Section 139.1, as amended by
9 Section 1, Chapter 38, O.S.L. 2014 (43 O.S. Supp.
10 2018, Section 139.1), which relates to revocation of
11 license as remedy for noncompliance with support
12 order; modifying definition; amending 47 O.S. 2011,
13 Section 6-201.1, which relates to revocation of
14 driving privilege for noncompliance with child
15 support order; modifying class of driver license
16 subject to revocation or suspension; and providing an
17 effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 43 O.S. 2011, Section 139.1, as
20 amended by Section 1, Chapter 38, O.S.L. 2014 (43 O.S. Supp. 2018,
21 Section 139.1), is amended to read as follows:

22 Section 139.1. A. As used in this section and Section 6-201.1
23 of Title 47 of the Oklahoma Statutes:

24 1. "Licensing board" means any bureau, department, division,
25 board, agency or commission of this state or of a municipality in
26 this state that issues a license;

1 2. "Noncompliance with an order for support" means that the
2 obligor has failed to make child support payments required by a
3 child support order in an amount equal to the child support payable
4 for at least ninety (90) days or has failed to make full payments
5 pursuant to a court-ordered payment plan for at least ninety (90)
6 days or has failed to obtain or maintain health insurance coverage
7 as required by an order for support for at least ninety (90) days or
8 has failed, after receiving appropriate notice to comply with
9 subpoenas or orders relating to paternity or child support
10 proceedings or has failed to comply with an order to submit to
11 genetic testing to determine paternity;

12 3. "Order for support" means any judgment or order for the
13 support of dependent children or an order to submit to genetic
14 testing to determine paternity issued by any court of this state or
15 other state or any judgment or order issued in accordance with an
16 administrative procedure established by state law that affords
17 substantial due process and is subject to judicial review;

18 4. "License" means a license, certificate, registration,
19 permit, approval or other similar document issued by a licensing
20 board granting to an individual a right or privilege to engage in a
21 profession, occupation, or business, or any recreational license or
22 permit including, but not limited to, a hunting and fishing license
23 or other authorization issued pursuant to the Oklahoma Wildlife
24 Conservation Code, certificates of title for vessels and motors and

1 other licenses or registrations issued pursuant to the Oklahoma
2 Vessel and Motor Registration Act, or a Class D driver license or
3 other permit issued pursuant to Title 47 of the Oklahoma Statutes;

4 5. "Obligor" means the person who is required to make payments
5 or comply with other provisions of an order for support;

6 6. "Oklahoma Child Support Services (OCSS)" means the state
7 agency designated to administer a statewide plan for child support
8 pursuant to Section 237 of Title 56 of the Oklahoma Statutes;

9 7. "Person entitled" means:

10 a. a person to whom a support debt or support obligation
11 is owed,

12 b. the OCSS or a public agency of another state that has
13 the right to receive current or accrued support
14 payments or that is providing support enforcement
15 services, or

16 c. a person designated in a support order or as otherwise
17 specified by the court; and

18 8. "Payment plan" includes, but is not limited to, a plan
19 approved by the court that provides sufficient security to ensure
20 compliance with a support order and/or that incorporates voluntary
21 or involuntary income assignment or a similar plan for periodic
22 payment on an arrearage and, if applicable, current and future
23 support.

1 B. 1. Except as otherwise provided by this subsection, the
2 district courts of this state are hereby authorized to order the
3 revocation, suspension, nonissuance or nonrenewal of a license or
4 the placement of the obligor on probation who is in noncompliance
5 with an order for support.

6 2. If the obligor is a licensed attorney, the court may report
7 the matter to the State Bar Association to revoke or suspend the
8 professional license of the obligor or other appropriate action in
9 accordance with the rules of professional conduct and disciplinary
10 proceedings.

11 3. Pursuant to Section 6-201.1 of Title 47 of the Oklahoma
12 Statutes, the district or administrative courts of this state are
13 hereby authorized to order the revocation or suspension of a Class D
14 driver license of an obligor who is in noncompliance with an order
15 of support.

16 4. The remedy under this section is in addition to any other
17 enforcement remedy available to the court.

18 C. 1. At any hearing involving the support of a child, if the
19 district court finds evidence presented at the hearing that an
20 obligor is in noncompliance with an order for support and the
21 obligor is licensed by any licensing board, the court, in addition
22 to any other enforcement action available, may suspend or revoke the
23 license of the obligor who is in noncompliance with the order of
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1 support or place the obligor on probation pursuant to paragraph 2 of
2 this subsection.

3 2. a. To be placed on probation, the obligor shall agree to
4 a payment plan to:

5 (1) make all future child support payments as
6 required by the current order during the period
7 of probation, and

8 (2) pay the full amount of the arrearage:

9 (a) by lump sum by a date certain, if the court
10 determines the obligor has the ability, or

11 (b) by making monthly payments in addition to
12 the monthly child support amount pursuant
13 to Section 137 of this title.

14 b. The payments required to be made pursuant to this
15 section shall continue until the child support
16 arrearage and interest which was the subject of the
17 license revocation action have been paid in full.

18 3. If the obligor is placed on probation, the obligor shall be
19 allowed to practice or continue to practice the profession,
20 occupation or business of the obligor, or to operate a motor
21 vehicle. If the court orders probation, the appropriate licensing
22 board shall not be notified and no action is required of that board.
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1 4. Probation shall be conditioned upon full compliance with the
2 order. If the court grants probation, the probationary period shall
3 not exceed three (3) years.

4 5. If the obligor is placed on probation, the obligee or OCSS
5 may request a hearing at any time to review the status of the
6 obligor's compliance with the payment plan and to request immediate
7 suspension or revocation of the obligor's license. The obligor
8 shall be served with notice of the hearing by regular mail to the
9 obligor's address of record pursuant to Section 112A of this title.

10 6. If, by the completion of time allotted for the probationary
11 period, the obligor has failed to fully comply with the terms of
12 probation, the licenses of the obligor shall be automatically
13 suspended or revoked without further hearing. If the licenses of
14 the obligor are suspended or revoked, the obligor may thereafter
15 apply for reinstatement in compliance with subsection D or E of this
16 section.

17 D. When all support due is paid in full and the obligor has
18 complied with all other provisions of the order for support, the
19 obligor, the obligee or OCSS may file a motion with the court for
20 reinstatement of the obligor's licenses or termination of probation
21 and the motion shall be set for hearing. If the court finds the
22 obligor has paid all support due in full and has complied with all
23 other provisions of the order for support, the court shall reinstate
24 the obligor's licenses or terminate the probation.

1 E. 1. An obligor whose licenses have been suspended or revoked
2 may file a motion with the court for reinstatement of the licenses
3 of the obligor prior to payment in full of all support due and the
4 motion shall be set for hearing.

5 2. The court may reinstate the licenses of the obligor if the
6 obligor has:

- 7 a. paid the current child support and the monthly
8 arrearage payments each month for the current month
9 and two (2) months immediately preceding, or paid an
10 amount equivalent to three (3) months of child support
11 and arrearage payments which satisfies the current
12 child support and monthly arrearage payments for the
13 current month and two (2) months immediately
14 preceding,
- 15 b. disclosed all information regarding health insurance
16 availability and obtained and maintained health
17 insurance coverage required by an order for support,
- 18 c. complied with all subpoenas and orders relating to
19 paternity or child support proceedings,
- 20 d. complied with all orders to submit to genetic testing
21 to determine paternity, and
- 22 e. disclosed all employment and address information.

23 3. If the court terminates the order of suspension, revocation,
24 nonissuance or nonrenewal, it shall place the obligor on probation,
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1 conditioned upon compliance with any payment plan and the provisions
2 of the order for support.

3 4. If the obligor fails to comply with the terms of probation,
4 the court may refuse to reinstate the licenses and driving
5 privileges of the obligor unless the obligor makes additional
6 payments in an amount determined by the court to be sufficient to
7 ensure future compliance, and the obligor complies with the other
8 terms set by the court.

9 F. The obligor shall serve on the custodian or the state a copy
10 of the motion for reinstatement of the licenses of the obligor and
11 notice of hearing pursuant to Section 2005 of Title 12 of the
12 Oklahoma Statutes, or if there is an address of record, by regular
13 mail to the address of record on file with the central case registry
14 pursuant to Section 112A of this title. When child support services
15 are being provided pursuant to Section 237 of Title 56 of the
16 Oklahoma Statutes, the obligor shall serve a copy of the motion for
17 reinstatement of the licenses of the obligor on OCSS.

18 G. If the court orders termination of the order of suspension
19 or revocation, the obligor shall send a copy of the order
20 reinstating the licenses of the obligor to the licensing board, the
21 custodian and OCSS when child support services are being provided
22 pursuant to Section 237 of Title 56 of the Oklahoma Statutes.

23 H. Entry of this order does not limit the ability of the court
24 to issue a new order requiring the licensing board to revoke or

1 suspend the license of the same obligor in the event of another
2 delinquency or failure to comply.

3 I. Upon receipt of a court order to suspend or revoke the
4 license of an obligor, the licensing board shall comply with the
5 order by:

6 1. Determining if the licensing board has issued a license to
7 the individual whose name appears on the order for support;

8 2. Notifying the obligor of the suspension or revocation;

9 3. Demanding surrender of the license, if required;

10 4. Entering the suspension or revocation of the license on the
11 appropriate records; and

12 5. Reporting the suspension or revocation of the license as
13 appropriate.

14 J. Upon receipt of a court order to not issue or not renew the
15 license of an obligor, the licensing board shall implement by:

16 1. Determining if the licensing board has received an
17 application for issuance or renewal of a license from the individual
18 whose name appears on the order of support;

19 2. Notifying the obligor of the nonissuance or nonrenewal; and

20 3. Entering the nonissuance or nonrenewal of the license as
21 appropriate.

22 K. An order, issued by the court, directing the licensing board
23 to suspend, revoke, not issue or not renew the license of the
24 obligor shall be processed and implemented by the licensing board

1 without any additional review or hearing and shall continue until
2 the court or appellate court advises the licensing board by order
3 that the suspension, revocation, nonissuance or nonrenewal is
4 terminated.

5 L. The licensing board has no jurisdiction to modify, remand,
6 reverse, vacate, or stay the order of the court for the suspension,
7 revocation, nonissuance or nonrenewal of a license.

8 M. In the event of suspension, revocation, nonissuance or
9 nonrenewal of a license, any funds paid by the obligor to the
10 licensing board for costs related to issuance, renewal, or
11 maintenance of a license shall not be refunded to the obligor.

12 N. A licensing board may charge the obligor a fee to cover the
13 administrative costs incurred by the licensing board to administer
14 the provisions of this section. Fees collected pursuant to this
15 section by a licensing board which has an agency revolving fund
16 shall be deposited in the agency revolving fund for the use by the
17 licensing board to pay the costs of administering this section.
18 Otherwise, the administrative costs shall be deposited in the
19 General Revenue Fund of the state.

20 O. Each licensing board shall promulgate rules necessary for
21 the implementation and administration of this section.

22 P. The licensing board is exempt from liability to the obligor
23 for activities conducted in compliance with Section 139 et seq. of
24 this title.

1 Q. The provisions of this section may be used to revoke or
2 suspend the licenses and driving privileges of the custodian of a
3 child who fails to comply with an order to submit to genetic testing
4 to determine paternity.

5 R. A final order entered pursuant to this section may be
6 appealed to the Supreme Court of Oklahoma pursuant to Section 990A
7 of Title 12 of the Oklahoma Statutes.

8 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-201.1, is
9 amended to read as follows:

10 Section 6-201.1. A. In addition to other qualifications and
11 conditions established by law, the driving privilege of an
12 individual currently holding a valid Class D license is subject to
13 the requirements of this section.

14 B. Upon receipt of an order from a court or from the Department
15 of Human Services, Office of Administrative Hearings: Child
16 Support, hereinafter referred to as "OAH", that a person obligated
17 to pay child support who owns or operates a motor vehicle is not in
18 compliance with an order for support, the Commissioner of Public
19 Safety shall revoke the person's driving privilege.

20 C. 1. Whenever a court or the OAH finds that a person is not
21 in compliance with an order of child support, the court or the OAH,
22 as applicable, shall require the person to surrender to it the Class
23 D driver license held by the person and shall forward to the
24 Department of Public Safety an order to revoke the driving privilege

1 of the person, together with any Class D driver license surrendered
2 to the court or OAH. The Department of Public Safety shall
3 prescribe, prepare and distribute a Notification of Revocation form
4 to be used by the courts and the OAH when an order has been entered
5 revoking a person's driving privileges for noncompliance with an
6 order for support.

7 2. In addition to the Department of Public Safety, the court or
8 the OAH, as applicable, shall send a copy of the Notification of
9 Revocation to the person obligated to pay child support by first
10 class, postage prepaid mail. The Notification shall:

- 11 a. include the name, address, date of birth, physical
12 description and, if known, the Class D driver license
13 number of the person,
- 14 b. require the Department to revoke the driving privilege
15 of the person required to pay child support,
- 16 c. require the Department to not reinstate the person's
17 driving privilege until:
 - 18 (1) the court or the OAH issues a release that states
19 such person is in compliance with the order of
20 support or until a court or the OAH otherwise
21 authorizes reinstatement of the person's driving
22 privilege, and
 - 23 (2) the person has paid to the Department the fees
24 required by Section 6-212 of this title and has

1 met all other statutory requirements for
2 reinstatement of the person's driving privilege;

3 d. specify the reason and statutory ground for the
4 revocation and the effective date of the revocation;

5 e. inform the person that in order to apply for
6 reinstatement of the person's driving privilege, the
7 person must obtain a release from the OAH or the
8 court, as applicable; and

9 f. inform the person that final orders of the OAH may be
10 appealed to the district court pursuant to Section
11 240.3 of Title 56 of the Oklahoma Statutes and final
12 orders of the district court may be appealed to the
13 Supreme Court of Oklahoma pursuant to Section 990A of
14 Title 12 of the Oklahoma Statutes.

15 D. Upon receipt of the Notification of Revocation from a court
16 or the OAH, as applicable, that a person obligated to pay child
17 support is not in compliance with an order of support, the
18 Department shall, in addition to any other authority to withdraw
19 driving privileges, revoke the driving privilege of the person named
20 in the Notification without hearing.

21 E. 1. The court or the OAH shall furnish a release to the
22 Department whenever a person, whose driving privilege has been
23 revoked pursuant to this section, has established and is complying
24 with a payment plan, as determined by the court or the OAH. Upon
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1 receipt of such release, the Department shall reinstate the driving
2 privileges of the person, if the person is otherwise eligible,
3 pursuant to Section 6-212 of this title;

4 2. Should the person default on the payment plan, the court or
5 OAH may resubmit the notice of noncompliance as provided for in this
6 section. The court or the OAH shall furnish a release to the
7 Department whenever the person is once again complying with the
8 payment plan, as determined by the court or the OAH. Upon receipt
9 of such release, the Department shall reinstate the driving
10 privileges of the person, if the person is otherwise eligible,
11 pursuant to Section 6-212 of this title; and

12 3. A person whose driving privilege has been revoked for
13 noncompliance due to defaulting on a payment plan, pursuant to
14 paragraph 2 of this subsection, shall be required to meet all
15 statutory requirements for reinstatement of driving privileges,
16 including, but not limited to, the payment of processing and
17 reinstatement fees, as provided for in Section 6-212 of this title.

18 F. If the court or the OAH, as applicable, is unable to secure
19 the surrender to it of the Class D driver license held by the person
20 found to be in noncompliance with an order of support, the
21 Department, upon revoking the driving privilege of the person, shall
22 require that the Class D driver license held by the person be
23 surrendered to the Department. Upon reinstatement of the person's
24 driving privileges, as provided for by law, the person's valid and

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lawful Class D driver license shall be returned to the person by the Department if the person is otherwise eligible.

SECTION 3. This act shall become effective November 1, 2019.

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