

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

ACT 1241 OF 1993
HOUSE BILL 1029

4 **By: Representatives Mahony and Northcutt**

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For An Act To Be Entitled

8 *"AN ACT TO PROVIDE FOR THE SUSPENSION OF A COMMERCIAL*
9 *DRIVER'S LICENSE OF A NON-CUSTODIAL PARENT WHO HAS AN*
10 *ADJUDICATED ARREARAGE IN AN AMOUNT EQUAL TO SIX (6) MONTHS*
11 *CHILD SUPPORT OR IS THE SUBJECT OF OUTSTANDING WARRANTS*
12 *RELATED TO A CHILD SUPPORT PROCEEDING; AND FOR OTHER*
13 *PURPOSES."*

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Subtitle

16 *"TO SUSPEND A COMMERCIAL DRIVER'S LICENSE FOR DELINQUENT*
17 *CHILD SUPPORT."*

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 *SECTION 1. (a) As used in this Act:*

22 *(1) "Department" means the Department of Finance and*
23 *Administration or its duly authorized agents; and*

24 *(2) "Unit" means the Child Support Enforcement Unit; and*

25 *(3) "Commercial Driver's License" means a license to operate a*
26 *commercial motor vehicle issued and regulated pursuant to Arkansas Code*
27 *Annotated §27-23-101, et seq.*

28 *(b) (1) The unit shall notify the department to suspend the commercial*
29 *driver's license of a non-custodial parent whenever the unit determines that*
30 *one (1) of the following conditions exists:*

31 *(A) the non-custodial parent is delinquent on a court-*
32 *ordered child support payment or an adjudicated arrearage in an amount equal*
33 *to six (6) months obligation or more; or*

34 *(B) the non-custodial parent is the subject of an*
35 *outstanding failure to appear warrant, a body attachment, or a bench warrant*
36 *related to a child support proceeding.*

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2 (2) (A) Prior to notification to suspend the commercial driver's
3 license of the non-custodial parent, the unit shall determine if the non-
4 custodial parent holds a commercial driver's license by electronic data
5 exchange, if necessary, with the department. The unit shall notify the non-
6 custodial parent that a request will be made to the department to suspend the
7 license ninety (90) days after the notification, unless a hearing with the
8 unit is requested in writing within thirty (30) days to determine whether one
9 (1) of the conditions of suspensions does not exist.

10 (B) Notification shall be sufficient under this section if
11 mailed to the non-custodial parent at either the last known address provided
12 to a court by the non-custodial parent pursuant to Arkansas Code Annotated §9-
13 14-205 or to the address used by the non-custodial parent on the commercial
14 driver's license.

15 (c) Following a determination by the unit under subsection (b) herein,
16 the unit shall notify the department to suspend the commercial driver's
17 license of the non-custodial parent. The department upon receipt of the
18 notification shall immediately suspend the commercial driver's license of the
19 non-custodial parent. Such suspension shall remain in effect until the
20 department is notified by the unit to release the suspension.

21 (d) The unit and the department are hereby authorized to promulgate
22 rules and regulations necessary to carry out this act.

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24 SECTION 2. All provisions of this act of a general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.

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28 SECTION 3. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

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34 SECTION 4. All laws and parts of laws in conflict with this act are
35 hereby repealed.

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/s/J. Mahony, et al

APPROVED: 4/20/93

As Engrossed: 2/10/93 2/19/93 4/7/93

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