

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Bradford**

A Bill

ACT 752 OF 1995
SENATE BILL 272

For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 9, CHAPTER 14, SUBCHAPTER 2 OF THE
9 ARKANSAS CODE BY CREATING A NEW SECTION TO PROVIDE FOR THE
10 SUSPENSION OF SPECIFIED LICENSES AND PERMANENT LICENSE
11 PLATES FOR FAILURE TO PAY CHILD SUPPORT; AND FOR OTHER
12 PURPOSES."

Subtitle

15 "TO PROVIDE FOR SUSPENSION OF SPECIFIED
16 LICENSES AND PERMANENT LICENSE PLATES
17 FOR FAILURE TO PAY 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. Title 9, Chapter 14, Subchapter 2 of the Arkansas Code
22 Annotated is hereby amended by adding a new section to read as follows:

23 "9-14-239. Suspension of license for the failure to pay child support.

24 (a) As used in this section:

25 (1) Department means the Department of Finance and
26 Administration or its duly authorized agents; and

27 (2) Office means the Office of Child Support Enforcement of the
28 Revenue Division of the Department of Finance and Administration; and

29 (3) License means an Arkansas driver's license issued pursuant
30 to § 27-16-101 et seq. of the Arkansas Code Annotated, or an occupational,
31 professional, or business license regulated under Title 17 of the Arkansas
32 Code Annotated, and all other licenses regulated under Titles 2, 3, 4, 5, 6,
33 8, 9, 14, 15, 20, 22, 23, and 27 of the Arkansas Code Annotated.

34 (4) Permanent license plate means the license plate issued by
35 the department, which by law must be affixed to every vehicle as defined by
36 § 27-14-1002.

1 (5) Other licensing entity means any other state agency,
2 department, *board* or commission, municipality, or any entity within the state
3 of Arkansas or the United States that issues or renews an occupational,
4 professional, or business license regulated under Title 17 of the Arkansas
5 Code Annotated, and all other licenses regulated under Titles 2, 3, 4, 5, 6,
6 8, 9, 14, 15, 20, 22, 23, and 27 of the Arkansas Code Annotated.

7 (b)(1) Unless the noncustodial parent executes an installment agreement
8 or makes other necessary and proper arrangements with the office, the office
9 shall notify the department or other licensing entity to suspend the license
10 or permanent license plate of a noncustodial parent whenever the office
11 determines that one (1) of the following conditions exists:

12 (A) The noncustodial parent is delinquent on a
13 court-ordered child support payment or an adjudicated arrearage in an amount
14 equal to six (6) months_ obligation or more; or

15 (B) The noncustodial parent is the subject of an
16 outstanding failure to appear warrant, a body attachment, or a bench warrant
17 related to a child support proceeding.

18 (2)(A) Prior to notification to suspend the license of the
19 noncustodial parent, the office shall determine if the noncustodial parent
20 holds a license or permanent license plate with the department or other
21 licensing entity.

22 (B) The office shall notify the noncustodial parent that a
23 request will be made to the department to suspend the license or permanent
24 license plate ninety (90) days after the notification, unless a hearing with
25 the office is requested in writing within *sixty (60)* days to determine whether
26 one (1) of the conditions of suspension does not exist.

27 (C) Notification shall be sufficient under this section if
28 mailed to the noncustodial parent at either the last known address provided to
29 a court by the parent pursuant to § 9-14-205 or to the address used by the
30 noncustodial parent on the license or application for permanent license plate.

31 (c) Following a determination by the office under subsection (b) of
32 this section, the office shall notify the department or other licensing entity
33 to suspend the license or permanent license plate of the noncustodial parent.

34 (d) The department or other licensing entity, upon receipt of the
35 notification, shall immediately suspend the license or permanent license plate

1 of the noncustodial parent. Such suspension shall remain in effect until the
2 department or other licensing entity is notified by the office to release the
3 suspension.

4 (e) *If the noncustodial parent enters into an installment agreement or*
5 *makes other necessary and proper arrangements with the office to pay child*
6 *support, the office shall immediately notify the department or other licensing*
7 *entity to restore the license or permanent license plate of the noncustodial*
8 *parent. In the case of fraud or mistake, the office shall immediately notify*
9 *the department or other licensing entity to restore the license or permanent*
10 *license plate of the noncustodial parent as appropriate.*

11 (f) The office and the department are authorized to promulgate rules
12 and regulations necessary to carry out this section in the interests of
13 justice and equity.

14 (g) The office is authorized to seek an injunction in the chancery
15 court *or the juvenile division thereof as appropriate* of the county in which
16 the child support order was entered restraining the noncustodial parent from
17 driving or from any licensed or permitted activity during the time the
18 noncustodial parent's license or permanent license plate is suspended.

19 (h) Any noncustodial parent whose license or permanent license plate
20 has been suspended may appeal to the chancery court *or the juvenile division*
21 *thereof as appropriate* of the county in which the child support order was
22 entered within thirty (30) days after the effective date of the suspension by
23 filing a petition, with a copy of the notice of the suspension attached, or a
24 copy of the final administrative hearing decision of the office, with the
25 clerk of the chancery court and causing a summons to be served on the
26 administrator of the office.

27 (1) For persons paying child support pursuant to § 9-17-501 or
28 § 9-17-502, the foreign order shall be registered by the office pursuant to
29 § 9-17-601 et seq.

30 (2) The case shall be tried de novo in the chancery court *or the*
31 *juvenile division thereof as appropriate.*

32 (3) The chancery and juvenile judges are vested with jurisdiction
33 to determine whether the petitioner is entitled to a license or permanent
34 license plate or whether the decision of the hearing officer should be
35 affirmed, modified, or reversed."

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SECTION 2. Arkansas Code Annotated § 17-1-104 is hereby repealed.

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Bradford

APPROVED: 3-23-95

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