

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1170

4 By: Representatives Northcutt, M. Wilson, and Ferrell

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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 REVOCATION OR SUSPENSION OF SPECIFIED LICENSES AND
11 PERMANENT LICENSE PLATES FOR FAILURE TO PAY CHILD SUPPORT;
12 AND FOR OTHER PURPOSES."

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Subtitle

14 "TO PROVIDE FOR REVOCATION OR SUSPENSION
15 OF SPECIFIED LICENSES AND PERMANENT
16 LICENSE PLATES FOR FAILURE TO PAY CHILD
17 SUPPORT."
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Title 9, Chapter 14, Subchapter 2 of the Arkansas Code
23 Annotated is hereby amended by adding a new section to read as follows:

24 "9-14-239. Suspension or revocation of license for the failure to pay
25 child support.

26 (a) As used in this section:

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

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

31 (3) License means an Arkansas driver's license issued pursuant
32 to § 27-16-101 et seq. of the Arkansas Code Annotated, or an occupational,
33 professional, or business license regulated under Title 17 of the Arkansas
34 Code Annotated, and all other licenses regulated under Titles 2, 3, 4, 6, 8,
35 9, 14, 15, 19, 20, 22, 23, and 27 of the Arkansas Code Annotated.

1 (4) Permanent license plate means the license plate issued by
2 the department, which by law must be affixed to every vehicle as defined by
3 § 27-14-1002.

4 (5) Other licensing entity means any other state agency,
5 department or commission, municipality, or any entity within the state of
6 Arkansas or the United States that issues or renews an occupational,
7 professional, or business license regulated under Title 17 of the Arkansas
8 Code Annotated, and all other licenses regulated under Titles 2, 3, 4, 6, 8,
9 9, 14, 15, 16, 19, 20, 22, 23, and 27 of the Arkansas Code Annotated.

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

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

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

22 (2)(A) Prior to notification to revoke or suspend the license of
23 the noncustodial parent, the office shall determine if the noncustodial
24 parent holds a license or permanent license plate with the department or
25 other licensing entity.

26 (B) The office shall notify the noncustodial parent that a
27 request will be made to the department to revoke or suspend the license or
28 permanent license plate ninety (90) days after the notification, unless a
29 hearing with the office is requested in writing within thirty (30) days to
30 determine whether one (1) of the conditions of revocation or suspension does
31 not exist.

32 (C) Notification shall be sufficient under this section if
33 mailed to the noncustodial parent at either the last known address provided
34 to a court by the parent pursuant to § 9-14-205 or to the address used by the
35 noncustodial parent on the license or application for permanent license

1 plate.

2 (c) Following a determination by the office under subsection (b) of
3 this section, the office shall notify the department or other licensing
4 entity to revoke or suspend the license or permanent license plate of the
5 noncustodial parent.

6 (d) The department or other licensing entity, upon receipt of the
7 notification, shall immediately revoke or suspend the license or permanent
8 license plate of the noncustodial parent. Such revocation or suspension
9 shall remain in effect until the department or other licensing entity is
10 notified by the office to release the revocation or suspension.

11 (e) 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 (f) The office is authorized to seek an injunction in the chancery
15 court of the county in which the child support order was entered restraining
16 the noncustodial parent from driving or from any licensed or permitted
17 activity during the time the noncustodial parent_s license or permanent
18 license plate is revoked or suspended.

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

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

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

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

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

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

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/s/Rep. Northcutt, et al

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