

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

# A Bill

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."

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

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  
28 the 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

1 § 27-14-1002.

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

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

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

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

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

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

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

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

1 parent.

2 (d) The department or other licensing entity, upon receipt of the  
3 notification, shall immediately suspend the license or permanent license  
4 plate of the noncustodial parent. Such suspension shall remain in effect  
5 until the department or other licensing entity is notified by the office to  
6 release the suspension.

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

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

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

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

30 (1) For persons paying child support pursuant to § 9-17-501 or  
31 § 9-17-502, the foreign order shall be registered by the office pursuant to  
32 § 9-17-601 et seq.

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

35 (3) The chancery *and juvenile judges* are vested with

1 jurisdiction to determine whether the petitioner is entitled to a license or  
2 permanent license plate or whether the decision of the hearing officer should  
3 be affirmed, modified, or reversed."  
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5 SECTION 2. Arkansas Code Annotated § 17-1-104 is hereby repealed.  
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7 SECTION 3. All provisions of this act of a general and permanent  
8 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
9 Code Revision Commission shall incorporate the same in the Code.  
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11 SECTION 4. If any provision of this act or the application thereof to  
12 any person or circumstance is held invalid, such invalidity shall not affect  
13 other provisions or applications of the act which can be given effect without  
14 the invalid provision or application, and to this end the provisions of this  
15 act are declared to be severable.  
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17 SECTION 5. All laws and parts of laws in conflict with this act are  
18 hereby repealed.

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