

1 HB639
2 118817-2
3 By Representatives Coleman, Newton (D), Warren, Kennedy, Irons
4 and Todd
5 RFD: Judiciary
6 First Read: 25-FEB-10

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8 SYNOPSIS: Existing law provides two methods by which
9 a person may have his or her driver's license
10 suspended, revoked, or otherwise restricted for
11 failure to pay child support. The Department of
12 Human Resources, by administrative order, may
13 direct the Department of Public Safety to suspend
14 or otherwise restrict the driver's license of a
15 obligor who is six months or more in arrears on his
16 or her child support obligation, or the obligee to
17 whom the child support is to be paid may file a
18 contempt petition in the appropriate court.

19 This bill would require that when a petition
20 for contempt is filed seeking suspension or
21 restriction of a driver's license for failing to
22 pay child support, the court is required to order
23 the obligor to reimburse the obligee for the
24 attorney fees and court costs associated with
25 filing the petition for contempt. The bill would
26 prohibit the court from authorizing reinstatement
27 of a driver's license unless the obligor has

1 reimbursed the court costs associated with filing
2 the petition for contempt and has complied with the
3 order of the court to the satisfaction of the
4 court.

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT
9

10 To amend Section 30-3-177, Code of Alabama 1975, to
11 provide further for the filing of a contempt petition seeking
12 suspension or other restriction of a driver's license for
13 failure to pay court ordered child support; to require the
14 court to order reimbursement by the obligor of the attorney
15 fees and court costs associated with filing the petition for
16 contempt; and to provide that the court may not authorize
17 reinstatement of a license until the court costs are paid and
18 the other terms of the court order satisfied.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 30-3-177, Code of Alabama 1975,
21 is amended to read as follows:

22 "§30-3-177.

23 "In addition to the foregoing provisions of this
24 article, if the obligor is brought before a circuit, district,
25 or juvenile court having jurisdiction on a contempt petition,
26 and it is shown by the department or its agent or by an
27 obligee or counsel for an obligee who is not a recipient of

1 services of the department, that the obligor has failed to
2 follow previous orders of the court, then the court may, in
3 addition to any other remedies, order the withholding,
4 restricted use, suspension, revocation, forfeiture, or
5 termination of the obligor's license or licenses as defined by
6 this article. When a suspension, revocation, forfeiture,
7 termination, withholding, or restricted use of any license
8 occurs pursuant to this section, the foregoing provisions of
9 this article pertaining to the duties and authority of the
10 licensing agency shall apply. As part of the order, the court
11 shall order the obligor to reimburse the obligee for the
12 attorney fees and court costs associated with filing the
13 contempt petition. The court may not authorize reinstatement
14 of the driver's license of the obligor until the obligor has
15 reimbursed the obligee for the attorney fees and court costs
16 associated with filing the petition for contempt and the
17 obligee has complied with the order of the court to the
18 satisfaction of the court."

19 Section 2. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.