

FIRST REGULAR SESSION

HOUSE BILL NO. 524

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEELY.

0810H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 454.1003 and 454.1005, RSMo, and to enact in lieu thereof two new sections relating to license suspensions due to nonsupport.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 454.1003 and 454.1005, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 454.1003 and 454.1005, to read as follows:

454.1003. 1. A court or the director of the family support division may issue an order, or in the case of a business, professional or occupational license, only a court may issue an order, suspending an obligor's license and ordering the obligor to refrain from engaging in a licensed activity in the following cases:

(1) When the obligor is not making child support payments in accordance with a support order and owes an arrearage in an amount greater than or equal to three months support payments or two thousand five hundred dollars, whichever is less, as of the date of service of a notice of intent to suspend such license; or

(2) When the obligor or any other person, after receiving appropriate notice, fails to comply with a subpoena of a court or the director concerning actions relating to the establishment of paternity, or to the establishment, modification or enforcement of support orders, or order of the director for genetic testing.

2. In any case but a IV-D case, upon the petition of an obligee alleging the existence of an arrearage, a court with jurisdiction over the support order may issue a notice of intent to suspend a license. In a IV-D case, the director, or a court at the request of the director, may issue a notice of intent to suspend.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 3. The notice of intent to suspend a license shall be served on the obligor personally or
18 by certified mail **at the last known address after due diligence to determine the obligor's**
19 **address**. If the proposed suspension of license is based on the obligor's support arrearage, the
20 notice shall state that the obligor's license shall be suspended sixty days after service unless,
21 within such time, the obligor:

22 (1) Pays the entire arrearage stated in the notice;

23 (2) Enters into and complies with a payment plan approved by the court or the division;

24 or

25 (3) Requests a hearing before the court or the director.

26 4. **If a hearing is requested, the obligor shall be required to present evidence of his**
27 **or her ability to pay the arrearage or present evidence as to whether the suspension of the**
28 **license would impose a significant hardship to the obligor, the obligor's employees, any**
29 **legal dependents residing in the obligor's household, or persons, businesses, or other**
30 **entities served by the obligor.**

31 5. **Notice shall include forms designed to produce information relevant to the ability**
32 **to pay and any hardship imposed on persons described in subsection 4 of this section.**

33 6. In a IV-D case, the notice shall advise the obligor that hearings are subject to the
34 contested case provisions of chapter 536.

35 ~~5-~~ 7. If the proposed suspension of license is based on the alleged failure to comply
36 with a subpoena relating to paternity or a child support proceeding, or order of the director for
37 genetic testing, the notice of intent to suspend shall inform the person that such person's license
38 shall be suspended sixty days after service, unless the person complies with the subpoena or
39 order.

40 ~~6-~~ 8. If the obligor fails to comply with the terms of repayment agreement, a court or
41 the division may issue a notice of intent to suspend the obligor's license.

42 ~~7-~~ 9. In addition to the actions to suspend or withhold licenses pursuant to this chapter,
43 a court or the director of the family support division may restrict such licenses in accordance
44 with the provisions of this chapter.

454.1005. 1. To show cause why suspension of a license may not be appropriate, the
2 obligor shall request a hearing from the court or division that issued the notice of intent to
3 suspend the license. The request shall be made within sixty days of the date of service of notice.

4 2. If an obligor fails to respond, without good cause, to a notice of intent to suspend a
5 license, timely request a hearing, or comply with a payment plan, ~~the obligor's defenses and~~
6 ~~objections shall be considered to be without merit and~~ the court or director may enter an order
7 suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed
8 activity.

9 3. Upon timely receipt of a request for hearing from an obligor, the court or director shall
10 schedule a hearing to determine if suspension of the obligor's license is appropriate **considering**
11 **all relevant factors**. The court or director shall stay suspension of the license pending the
12 outcome of the hearing.

13 4. ~~If the action involves an arrearage, the only issues that may be determined in a~~
14 ~~hearing pursuant to this section are] In determining whether the license suspension is~~
15 **appropriate under the circumstances, the director shall consider and issue findings of fact**
16 **and conclusions of law regarding the following:**

17 (1) The identity of the obligor;

18 (2) Whether the arrearage is in an amount greater than or equal to three months of
19 support payments or two thousand five hundred dollars, whichever is less, by the date of service
20 of a notice of intent to suspend; ~~and]~~

21 (3) Whether the obligor has entered a payment plan. If the action involves a failure to
22 comply with a subpoena or order, the only issues that may be determined are the identity of the
23 obligor and whether the obligor has complied with the subpoena or order;

24 **(4) Whether the obligor had the ability to make the payments that were not made;**

25 **(5) Whether the obligor has the current ability to make the payments;**

26 **(6) The reasons the obligor needs the license including, but not limited to:**

27 **(a) Transportation of family members to and from work and school or medical**
28 **treatment;**

29 **(b) Transportation of the obligor or family members to extracurricular activities;**

30 **or**

31 **(c) A requirement for employment;**

32 **(7) Whether the obligor is unemployed or underemployed;**

33 **(8) Whether the obligor is active in the job market;**

34 **(9) Whether the obligor is disabled and able to work;**

35 **(10) Whether the obligor has a motion to modify pending with the director or the**
36 **court; and**

37 **(11) Any other relevant facts that affect the obligor's ability to make the monthly**
38 **support obligation.**

39 5. **If the court or director, after hearing, determines the obligor has not failed to**
40 **comply with the monthly support obligation and an arrearage amount in an amount**
41 **greater than or equal to three months' support payments or two thousand five hundred**
42 **dollars, whichever is less, the court or director shall not issue an order suspending the**
43 **obligor's license and shall not order the obligor to refrain from engaging in the licensed**
44 **activity. If an order is in place, the court shall stay such order.**

45 **6.** If the court or director, after hearing, determines that the obligor has failed to comply
46 with any of the requirements in subsection 4 of this section **without good cause**, the court or
47 director shall issue an order suspending the obligor's license and ordering the obligor to refrain
48 from engaging in the licensed activity.

49 ~~[6-]~~ **7.** The court or division shall send a copy of the order suspending a license to the
50 licensing authority and the obligor by certified mail.

51 ~~[7-]~~ **8.** The determination of the director, after a hearing pursuant to this section, shall
52 be a final agency decision and shall be subject to judicial review pursuant to chapter 536.
53 Administrative hearings held pursuant to this section shall be conducted by hearing officers
54 appointed by the director of the department pursuant to subsection 1 of section 454.475. **Such**
55 **notice shall be attached to any decision of the director.**

56 ~~[8-]~~ **9.** A determination made by the court or division pursuant to this section is
57 independent of any proceeding of the licensing authority to suspend, revoke, deny, terminate or
58 renew a license.

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