

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO. _____

Child support-suspension of driver's licenses.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to suspension of drivers' licenses for
2 nonpayment of child support; modifying procedures related
3 to actions suspending driver's licenses for nonpayment of
4 child support; repealing certain appeal procedures for a
5 person whose driving privileges have been suspended for
6 nonpayment of child support; providing for temporary
7 driving privileges as specified; and providing for an
8 effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 20-6-111(a)(intro) and (ii), (b),
13 (f)(intro) and (i), (h), (j)(intro) and by creating new
14 paragraphs (iv) through (vi), (n)(i) and (ii) and by

1 creating a new subsection (o), 31-7-105(d)(intro) and
2 (f)(iv) are amended to read:

3

4 **20-6-111. Driver's license suspension; nonpayment of**
5 **child support; administrative hearings.**

6

7 (a) When an obligor is in arrears in a court ~~order~~
8 ordered child support obligation, the department or court
9 may:

10

11 (ii) Obtain ~~an administrative or a~~ court ordered
12 withholding, suspension or restriction of the license
13 unless the obligor pays the entire arrearage or enters into
14 a payment plan approved by the department.

15

16 (b) The court, on motion of the department or on its
17 own motion, may direct the department of transportation to
18 withhold, suspend or restrict the license and the
19 department or the court shall send certified copies of the
20 court order to the obligor, at the obligor's last known
21 address, and to the department of transportation
22 instructing that the department of transportation notify
23 the obligor of the license withholding, suspension or

1 restriction in accordance with the licensing procedures,
2 and that the withholding, suspension or restriction shall
3 remain in effect until the department of transportation is
4 notified by the department or the court that the obligor is
5 in compliance with the court order or has entered into a
6 payment plan approved by the department. ~~The department of~~
7 ~~transportation shall if requested by the obligor, conduct a~~
8 ~~record review and advise the court if a probationary or~~
9 ~~conditional license is appropriate. No hearing or appeal~~
10 ~~shall be permitted under the Wyoming Administrative~~
11 ~~Procedure Act for a license withheld, suspended or~~
12 ~~restricted pursuant to a court order.~~

13

14 (f) ~~If~~ The department ~~determines~~ may determine that a
15 driver's license suspension may be better achieved through
16 an administrative suspension, if the obligor owes more than
17 five thousand dollars (\$5,000.00) in unpaid child support
18 and the obligor has not made a child support payment either
19 voluntarily or through income withholding for a period of
20 at least ninety (90) consecutive days prior to the
21 determination. The department ~~may~~ shall notify the
22 ~~department of transportation by electronic data transfer~~
23 ~~and any~~ obligor by certified mail, return receipt

1 requested, or by personal service ~~or by certified mail,~~
2 ~~restricted delivery~~ if notification by certified mail was
3 unsuccessful, that the obligor is in arrears in a child
4 support obligation and that the obligor's driver's license
5 as defined in W.S. 31-7-102(a)(xxv) shall be suspended by
6 the department of transportation ~~ninety (90)~~ thirty (30)
7 days after the date of the notice unless the obligor:

8
9 (i) Pays the entire arrearage ~~stated in the~~
10 ~~notice owed~~; or

11
12 (h) Any ~~order~~ suspension arising out of a hearing
13 under subsection ~~(g)~~ (f) of this section may be appealed to
14 the district court. The person whose license or driving
15 privilege is affected may file a petition for a review ~~of~~
16 ~~the record~~ in the district court in the county where the
17 ~~person resides or in the case of a nonresident in Laramie~~
18 ~~county or the county where the~~ child support order was
19 issued. The person shall have thirty (30) days from the
20 date of service of the ~~written order~~ notice of intent to
21 suspend in which to file the petition for review. The
22 district court shall immediately set the matter for

1 determination. ~~upon thirty (30) days written notice to the~~
 2 ~~department.~~

3

4 (j) Before the license or driving privilege of any
 5 person is to be withheld, suspended or restricted under
 6 this article, the department shall advise the licensee in
 7 the notice required under subsection (f) of this section of
 8 his right to appeal to district court for any dispute
 9 involving:

10

11 (iv) The amount of current child support owed or
 12 arrearage;

13

14 (v) The identity of the alleged obligor named in
 15 the notice of suspension;

16

17 (vi) The willfulness of the nonpayment of child
 18 support.

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20 (n) The discretion to modify any order of suspension
 21 under this section to allow driving privileges is limited
 22 as follows:

23

1 (i) A person whose driving privileges have been
2 suspended for nonpayment of child support may be granted
3 limited driving privileges by the district court or the
4 department of transportation for a period not to exceed one
5 hundred twenty (120) days;

6
7 (ii) A person granted limited driving privileges
8 under this subsection by the district court or the
9 department of transportation shall not be granted an
10 extension of such privileges for twelve (12) months after
11 the limited driving privileges expire unless the person has
12 subsequently made full payment on his child support
13 obligation in arrears, or is in full compliance with a
14 payment plan approved by the department.†

15
16 (o) After the obligor has paid his child support
17 arrears in full or has entered into a payment plan with
18 the department, the department shall notify the department
19 of transportation immediately and request the department of
20 transportation to return the driver's license of that
21 obligor pursuant to this section.

22
23 **31-7-105. Administrative hearings.**

1

2 (d) Except for driving privileges that have been
3 suspended for nonpayment of child support, before
4 suspending, revoking, canceling or denying the license or
5 driving privilege of any person under this act or
6 disqualifying a person from driving a commercial motor
7 vehicle pursuant to W.S. 31-7-305 and 31-7-307, the
8 department shall immediately advise the licensee in
9 writing:

10

11 (f) Upon receipt of a timely request, the department
12 shall conduct a review of its records and issue an order
13 granting or denying limited driving privileges. The
14 discretion to continue or modify any order of suspension or
15 denial to allow driving privileges is limited as follows:

16

17 (iv) A person whose driving privileges have been
18 suspended for nonpayment of child support may be granted
19 limited driving privileges for a period not to exceed one
20 hundred twenty (120) days upon ~~receipt of the notice~~
21 ~~required under W.S. 20-6-111(n)(iii)~~ request of the
22 individual to the department after receipt of the notice of
23 suspension of suspension of driving privileges pursuant to

1 W.S. 20-6-111. A person granted limited driving privileges
2 under this paragraph shall not be granted an extension of
3 such privileges for twelve (12) months after the limited
4 driving privileges expire unless the person has
5 subsequently made full payment on his child support
6 obligation in arrears, or is in full compliance with a
7 payment plan approved by the department of family services;

8

9 **Section 2.** W.S. 20-6-111(g), (j)(i) through (iii),
10 (k), (m) and (n)(iii) is repealed.

11

12 **Section 3.** This act is effective July 1, 2009.

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(END)