

HOUSE BILL NO. HB0190

Driver's license suspensions-child support.

Sponsored by: Representative(s) Throne and Gingery and
Senator(s) Burns and Decaria

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), (ii), (b),
13 (f)(intro), (i), (h), (j)(intro), by creating new
14 paragraphs (iv) through (vi), (n)(i), (ii) and by creating
15 a new subsection (o) and 31-7-105(d)(intro) and (f)(iv) are
16 amended to read:

1

2 **20-6-111. Driver's license suspension; nonpayment of**
3 **child support; administrative hearings.**

4

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

8

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

13

14 (b) The court, on motion of the department or on its
15 own motion, may direct the department of transportation to
16 withhold, suspend or restrict the license and the
17 department or the court shall send certified copies of the
18 court order to the obligor, at the obligor's last known
19 address, and to the department of transportation
20 instructing that the department of transportation notify
21 the obligor of the license withholding, suspension or
22 restriction in accordance with the licensing procedures,
23 and that the withholding, suspension or restriction shall
24 remain in effect until the department of transportation is

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

10
11 (f) ~~If~~ The department determines may determine that a
12 driver's license suspension may be better achieved through
13 an administrative suspension, if the obligor owes more than
14 five thousand dollars (\$5,000.00) in unpaid child support
15 and the obligor has not made a child support payment either
16 voluntarily or through income withholding for a period of
17 at least ninety (90) consecutive days prior to the
18 determination. ~~The~~ department ~~may~~ shall notify the
19 ~~department of transportation by electronic data transfer~~
20 ~~and any~~ obligor by certified mail, return receipt
21 requested, or by personal service ~~or by certified mail,~~
22 ~~restricted delivery~~ if notification by certified mail was
23 unsuccessful, that the obligor is in arrears in a child
24 support obligation and that the obligor's driver's license

1 as defined in W.S. 31-7-102(a)(xxv) shall be suspended by
2 the department of transportation ~~ninety (90)~~ sixty (60)
3 days after the date of the notice unless the obligor:

4
5 (i) Pays the entire arrearage ~~stated in the~~
6 ~~notice~~ owed; or

7
8 (h) Any ~~order~~ suspension arising ~~out of a hearing~~
9 under subsection ~~(g)~~ (f) of this section may be appealed to
10 the district court. The person whose license or driving
11 privilege is affected may file a ~~petition for a review of~~
12 ~~the record~~ request for a hearing in the district court in
13 the county where the ~~person resides or in the case of a~~
14 ~~nonresident in Laramie county or the county where the~~ child
15 support order was issued. The person shall have ~~thirty~~
16 ~~(30)~~ sixty (60) days from the date of service of the
17 ~~written order~~ notice of intent to suspend in which to file
18 the ~~petition for review~~ request for hearing. A timely
19 request for hearing shall stay the suspension as provided
20 in W.S. 31-6-103(a). The district court shall immediately
21 set the matter for determination. ~~upon thirty (30) days~~
22 ~~written notice to the department.~~

23

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

7
8 (iv) The amount of current child support owed or
9 arrearage;

10

11 (v) The identity of the alleged obligor named in
12 the notice of suspension;

13

14 (vi) The willfulness of any action or inaction
15 of the obligor that contributed to the nonpayment of child
16 support.

17

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

21

22 (i) A person whose driving privileges have been
23 suspended for nonpayment of child support may be granted
24 limited driving privileges by the district court or the

1 department of transportation for a period not to exceed one
2 hundred twenty (120) days;

3

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

12

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

19

20 **31-7-105. Administrative hearings.**

21

22 (d) Except for driving privileges that have been
23 suspended for nonpayment of child support, before
24 suspending, revoking, canceling or denying the license or

1 driving privilege of any person under this act or
2 disqualifying a person from driving a commercial motor
3 vehicle pursuant to W.S. 31-7-305 and 31-7-307, the
4 department shall immediately advise the licensee in
5 writing:

6

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

12

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

20 A person granted limited driving privileges under this
21 paragraph shall not be granted an extension of such
22 privileges for twelve (12) months after the limited driving
23 privileges expire unless the person has subsequently made
24 full payment on his child support obligation in arrears, or

1 is in full compliance with a payment plan approved by the
2 department of family services;

3

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

6

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

8

9

(END)