

House Bill 2211

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Attorney General Hardy Myers for Department of Justice)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits suspension of licenses, certificates, permits and registrations of party in arrears under any child support order or judgment.

A BILL FOR AN ACT

1
2 Relating to license suspension based on child support arrears; amending ORS 25.750 and 25.759.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 25.750 is amended to read:

5 25.750. (1) All licenses, certificates, permits or registrations that a person is required by state
6 law to possess in order to engage in an occupation or profession or to use a particular occupational
7 or professional title, all annual licenses issued to individuals by the Oregon Liquor Control Com-
8 mission, all driver licenses or permits issued by the Department of Transportation and recreational
9 hunting and fishing licenses, as defined by rule of the Department of Justice, are subject to sus-
10 pension by the respective issuing entities upon certification to the issuing entity by the administra-
11 tor that a child support case record is being maintained by the Department of Justice, that the case
12 is being enforced by the administrator under the provisions of ORS 25.080 and that one or both of
13 the following conditions apply:

14 (a) That the party holding the license, certificate, permit or registration is [*under order or*
15 *judgment to pay monthly child support and is in arrears, with respect to any such judgment or order*
16 *requiring the payment of child support,*] **in arrears under any child support order or judgment** in
17 an amount equal to three months of support or \$2,500, whichever occurs later, and:

18 (A) Has not entered into an agreement with the administrator with respect to the child support
19 obligation; or

20 (B) Is not in compliance with an agreement entered into with the administrator; or

21 (b) That the party holding the license, certificate, permit or registration has failed, after re-
22 ceiving appropriate notice, to comply with a subpoena or other procedural order relating to a
23 paternity or child support proceeding and:

24 (A) Has not entered into an agreement with the administrator with respect to compliance; or

25 (B) Is not in compliance with such an agreement.

26 (2) The Department of Justice by rule shall specify the conditions and terms of agreements,
27 compliance with which precludes the suspension of the license, certificate, permit or registration.

28 **SECTION 2.** ORS 25.759 is amended to read:

29 25.759. Upon identification of a person subject to suspension under ORS 25.750 to 25.783, the
30 administrator may issue a notice, sent by regular mail to both the address of record as shown in the
31 records of the issuing entity and the address of record as shown on the administrator's child support

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 file. [Such] **The** notice shall contain the following information:

2 (1) That certain licenses, certificates, permits and registrations, which shall be specified in the
3 notice, are subject to suspension as provided for by ORS 25.750 to 25.783.

4 (2) The name, Social Security number, if available, date of birth, if known, and child support
5 case number or numbers of the person subject to the action.

6 (3) The amount of arrears and the amount of the [monthly] child support obligation, if any, or,
7 if suspension is based on ORS 25.750 (1)(b), a description of the subpoena or other procedural order
8 with which the person subject to the action has failed to comply.

9 (4) The procedures available for contesting the suspension of a license, certificate, permit or
10 registration.

11 (5) That the only bases for contesting the suspension are:

12 (a) That the arrears are not greater than three months of support or \$2,500;

13 (b) That there is a mistake in the identity of the obligor;

14 (c) That the person subject to the suspension has complied with the subpoena or other proce-
15 dural order identified in subsection (3) of this section; or

16 (d) That the person subject to the suspension is in compliance with a previous agreement as
17 provided for by ORS 25.750 to 25.783.

18 (6) That the obligor may enter into an agreement, prescribed by rule by the Department of
19 Justice, compliance with which shall preclude the suspension under ORS 25.750 to 25.783.

20 (7) That the obligor has 30 days from the date of the notice to contact the administrator in order
21 to:

22 (a) Contest the action in writing on a form prescribed by the administrator;

23 (b) Comply with the subpoena or procedural order identified in subsection (3) of this section; or

24 (c) Enter into an agreement authorized by ORS 25.750 and 25.762. The notice shall state that
25 any agreement must be in writing and must be entered into within 30 days of making contact with
26 the administrator.

27 (8) That failure to contact the administrator within 30 days of the date of the notice shall result
28 in notification to the issuing entity to suspend the license, certificate, permit or registration.

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