

H.B. 83

DRIVER LICENSE PRIVILEGE SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

JANUARY 18, 2006

9:34 AM

Representative **Ron Bigelow** proposes the following amendments:

1. *Page 2, Lines 32 through 34:*

32 ▶ describes the circumstances under which an order to suspend a person's driving
33 privileges may not be made, or under which an order to suspend a person's driving
34 privileges will be rescinded;

▶ provides that, if the office seeks a driver license suspension of a person who is not delinquent, the office shall refund any non-custodial parent income withholding fee that was collected during the alleged delinquency, unless the person is otherwise in arrears on a child support obligation;

2. *Page 16, Lines 480 through 492:*

480 (3) The notice described in Subsection (2) shall:

481 (a) be personally served or served by certified mail;

482 (b) comply with, and be served in accordance with, Title 63, Chapter 46b,
483 Administrative Procedures Act;

484 (c) state the amount that the person is in arrears on the person's child support
485 obligation; and

486 (d) (i) if the person's delinquency is verified by the office, state that, if the person desires to
contest the suspension of the person's driver

487 license, the person must request an informal adjudicative proceeding with the office within {-15} 30
488 days after the day {that} on which the notice is mailed or personally served {-} ; or

(ii) if the person's delinquency is not verified by the office, state that, if the person desires to contest the suspension of the person's driver license, the person must request an informal adjudicative proceeding with the office within 60 days after the day on which the notice is mailed or personally served.

489 (4) (a) The office shall hold an informal adjudicative proceeding to determine whether
490 a person's driver license should be suspended if the person requests a hearing within {15 days of
491 the day on which the notice described in Subsection (2) is mailed or personally served on the
492 person;} the time period described in Subsection (3)(d) .

3. *Page 17, Lines 496 through 499:*

496 (5) Except as provided in Subsection (6), the office may order that a person's driver
497 license be suspended:

498 (a) if, after receiving the notice described in Subsection (2), the person fails to request
499 an informal adjudicative proceeding within the time period described in Subsection ~~{(4)(a)}~~ (3)(d) ; or

4. Page 18, Lines 533 through 534:

(9) (a) If, after the office seeks to suspend a person's driver license under this section, it is determined that the person is not delinquent, the office shall refund to the person any non-custodial parent income withholding fee that was collected from the person during the alleged delinquency.

(b) Subsection (9)(a) does not apply if the person described in Subsection (9)(a) is otherwise in arrears on a child support obligation.

533 ~~{(9)}~~ (10) The office may make rules, in accordance with Title 63, Chapter 46a, Utah
534 Administrative Rulemaking Act, to implement the provisions of this part.