

H.B. 83

DRIVER LICENSE PRIVILEGE SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT

HOUSE FLOOR AMENDMENTS

AMENDMENT 5

JANUARY 19, 2006

4:31 PM

Representative **LaVar Christensen** proposes the following amendments:

1. *Page 1, Lines 17 through 21:*

17 ▶ establishes a procedure for the Office of Recovery Services, within the Department
18 of Human Services, to order, and the Driver License Division, within the
19 Department of Public Safety, to recognize and impose, a suspension of a person's
20 driving privileges when the person is at least ~~{60}~~ 90 days in arrears on a child support
21 obligation;

▶ requires that the Driver License Division, upon application, issue a temporary limited driver license to a person whose driver license is suspended under this bill if the person needs a driver license for employment, education, or child visitation;

2. *Page 12, Line 365 through Page 13, Line 372:*

365 (6)(a) ~~{The}~~ Subject to Subsection (6)(d), the division shall suspend a person's license when
the division receives notice

366 from the Office of Recovery Services that the Office of Recovery Services has ordered the
367 suspension of the person's license.

368 (b) A suspension under Subsection (6)(a) shall remain in effect until the division
369 receives notice from the Office of Recovery Services that the Office of Recovery Services has
370 rescinded the order of suspension.

371 (c) After an order of suspension is rescinded under Subsection (6)(b), a report
372 authorized by Section 53-3-104 may not contain any evidence of the suspension.

(d) (i) If the division suspends a person's license under this Subsection (6), the division shall, upon application, issue a temporary limited driver license to the person if that person needs a driver license for employment, education, or child visitation.

(ii) The temporary limited driver license described in this section:

(A) shall provide that the person may operate a motor vehicle only for the purpose of driving to or from the person's place of employment, education or child visitation;

(B) shall prohibit the person from driving a motor vehicle for any purpose other than a purpose described in Subsection (6)(d)(ii)(A); and

(C) shall expire 90 days after the day on which the temporary limited driver license is issued.

(iii) During the period beginning on the day on which a temporary limited driver license is

issued under this Subsection (6) and ending on the day that the temporary limited driver license expires, the suspension described in this Subsection (6) only applies if the person who is suspended operates a motor vehicle for a purpose other than employment, education, or child visitation.

(iv) The division is not required to issue a limited driver license to a person under this Subsection (d) if there are other legal grounds for the suspension of the person's driver license.

(v) The division shall make rules, in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, to implement the provisions of this part.

3. Page 15, Line 451 through Page 16, Line 468:

451 (2) "Delinquent on a child support obligation" means that a person:

452 (a) (i) made no payment for ~~{-60}~~ 90 days on a current child support obligation as set forth in
453 an administrative or court order;

454 (ii) after the ~~{-60}~~ 90 -day period described in Subsection (2)(a)(i), failed to make a good faith
455 effort under the circumstances to make payment on the child support obligation in accordance
456 with the order; and

457 (iii) has not obtained a judicial order staying enforcement of the person's child support
458 obligation, or the amount in arrears; or

459 (b) (i) made no payment for ~~{-60}~~ 90 days on an arrearage obligation of child support as set
460 forth in:

461 (A) a payment schedule;

462 (B) a written agreement with the office; or

463 (C) an administrative or judicial order;

464 (ii) after the ~~{-60}~~ 90 -day period described in Subsection (2)(b)(i), failed to make a good
465 faith effort under the circumstances to make payment on the child support obligation in
466 accordance with the payment schedule, agreement, or order; and

467 (iii) has not obtained a judicial order staying enforcement of the person's child support
468 obligation, or the amount in arrears.

4. Page 18, Lines 529 through 532:

529 (8) ~~{ Nothing in Subsection (6)(b) or (7)(b) requires the office to enter into a payment
530 agreement with a person whose driver license the office:~~

531 ~~(a) is seeking to suspend; or~~

532 ~~(b) has suspended. }~~ For purposes of Subsections (6)(b) and (7)(b), the office shall diligently
strive to enter into a fair and reasonable payment agreement that takes into account the person's
employment and financial ability to make payments, provided that there is a reasonable basis to believe
that the person will comply with the agreement.