

SS SB 317 -- SUSPENSION OF LICENSES

SPONSOR: May

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 6 to 1.

This bill provides that the hearings to determine whether the suspension of a business, occupational, professional, recreational, or other license is appropriate when an obligor is not in compliance with a child support order shall comply with due process and shall consider all relevant factors, including the obligor's current and past ability to pay the support, his or her need for transportation, and his or her need for the license for continued employment.

The court or the Director of the Family Support Division within the Department of Social Services shall consider and issue written findings of fact and conclusions of law within 30 days of the hearing. If the court or the director, after the hearing, determines that the obligor has not made the required payments for good cause, then the court or director shall not issue an order suspending the license or, if an order is in place, shall stay such order.

PROPONENTS: Supporters say that this provides that a hearing to determine whether suspension of a license is appropriate when a person is not in compliance with child support orders must provide due process. Is a license suspension appropriate under the circumstances? There would be certain factors taken into consideration during the hearing and they will make findings of fact. The court can still suspend a person's license. A lot of people had warrants out for their arrest because they used to work for car dealerships and the child support was garnished. But when they left the dealership, they failed to pay for child support and then they would have a warrant. This is more or less a due process hearing. In the current due process hearing availability they don't do findings of fact. They just look at amount owed.

Testifying for the bill was Senator May.

OPPONENTS: Those who oppose the bill submitted written testimony, which can be found online.

Testifying against the bill was Arnie Dienoff.

OTHERS: Others testifying on the bill say they utilize license suspensions as an enforcement mechanism but have not been issuing licensing suspensions since March of 2020 because of COVID. License suspension is a last resort and this could result in more

referrals to the prosecutors' offices. They look at a lot of circumstances when they are trying to determine whether a license should be suspended and they are currently afforded a due process hearing.

Testifying on the bill was Caitlin Whaley, Department Of Social Services.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.