

SHORT TITLE: Child support; allowing court-specified restrictions to drivers' licenses of persons owing delinquent child support; effective date.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 174

By: Leftwich

AS INTRODUCED

An Act relating to child support; amending 43 O.S. 1991, Section 137, which relates to delinquent child support, and 47 O.S. 1991, Section 6-113, which relates to driver's license restrictions; providing for imposition of certain driver's license restriction on license of person owing delinquent child support; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 43 O.S. 1991, Section 137, is amended to read as follows:

Section 137. A. Any payment or installment of child support ordered pursuant to any order, judgment or decree of the district court or administrative order of the Department of Human Services is, on and after the date it becomes past due, a judgment by operation of law. ~~Such judgments~~ Judgments for past due child support shall:

1. Have the full force and effect of any other judgment of this state, including the ability to be enforced by any method available under the laws of this state to enforce and collect money judgments; and

2. Be entitled to full faith and credit as a judgment in this state and any other state.

B. ~~Such judgments~~ Judgments for past due child support shall be subject to collection action only after the ~~child support~~ obligor has been given notice and opportunity for a court or administrative hearing to determine the amount that is past due⁷; provided⁷, that if the obligor has been given a hearing in some other proceeding to contest the amount past due, he shall not be entitled to another hearing to determine whether amounts are past due for the same time period.

C. Unless execution is issued and filed within five (5) years from date of judgment or last execution on ~~said~~ the judgment as required by law, a judgment for past due child support shall become dormant for all purposes except for enforcement of the judgment by:

1. An income or wage assignment initiated pursuant to the laws of this state or any other state;
2. Periodic payments from the judgment debtor by order of the district court or of the Department of Human Services; or
3. Referral of the past due amount to the Internal Revenue Service and, if appropriate, to the Oklahoma Tax Commission or another state's taxation agency for interception of the judgment debtor's annual state and federal tax refund in cases being enforced by the Department of Human Services.

D. An order that provides for payment of child support, if willfully disobeyed, may be enforced by indirect civil contempt proceedings, notwithstanding that the support payment is a judgment on and after the date it becomes past due.

E. Under the direction of an Oklahoma court, the Department of Public Safety, created at Section 2-101 et seq. of Title 47 of the Oklahoma Statutes, shall impose a court-specified license restriction which shall be applicable to a licensee who has failed to pay court-ordered child support. A restriction shall remain applicable unless or until the court which ordered the restriction directs the Department of Public Safety that it be removed.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 6-113, is amended to read as follows:

Section 6-113. A. 1. The Department of Public Safety upon issuing a driver's license shall have the authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the Department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

2. Under the direction of an Oklahoma court, the Department shall impose a court-specified license restriction which shall be applicable to a licensee who has failed to pay court-ordered child support. Such a restriction shall remain applicable unless or until the court which ordered the restriction directs the Department that it be removed.

B. The Department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

C. The Department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this chapter.

D. It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

SECTION 3. This act shall become effective September 1, 1993.

44-1-0145 KS