

ENROLLED HOUSE
BILL NO. 2013

By: Blackburn, Roach,
Steidley, Peltier,
Seikel, Pettigrew,
Settle, Kirby, Widener,
Cotner, Vaughn, Maddux
and Bryant of the House

and

Shedrick of the Senate

An Act relating to child support; providing for legislative findings and intent; defining terms; authorizing courts to revoke or suspend certain licenses; providing for probation; providing for certain orders to licensing boards; specifying and providing for process and procedures; prohibiting certain additional reviews or hearings; providing for licensing board jurisdiction; providing for certain procedures; limiting content of certain hearings; providing for fees and costs; authorizing probation; specifying conditions and restrictions; prohibiting certain action by the court; providing for notice and hearing; providing for rules; providing for protests; providing for construction of section; prohibiting certain jurisdiction; prohibiting certain refunds; authorizing certain fees; providing for deposits; providing for liability; providing for hardships; providing for termination of certain orders; requiring promulgation of rules; amending 56 O.S. 1991, Section 240, as last amended by Section 1, Chapter 365, O.S.L. 1994, and as renumbered by Section 14, Chapter 365, O.S.L. 1994 (56 O.S. Supp. 1994, Section 237.7), which relates to child support; modifying and adding to definitions; providing for powers and duties of Department of Human Services; providing for suspension, and revocation of certain licenses and renewals; authorizing probation; providing for content of orders and notices; providing process and procedures; providing for hearings; making certain determinations independent of other procedures; providing for final orders; authorizing appeals; providing for separate licensing board actions; providing for hardships; specifying when an order may be lifted; requiring notice; requiring certain procedures; prohibiting certain hearings; providing for certain jurisdiction; prohibiting refunds; authorizing certain costs; providing for certain orders; requiring promulgation of rules; requiring certain licensing board actions; prohibiting certain jurisdiction; providing for fees; providing for suspension and revocation of driver licenses; authorizing certain modification of suspension and

revocation under certain circumstances; providing for promulgation of rules; specifying procedures; providing for notification forms; providing for issuance and contents; requiring procedures for certain hardships; authorizing certain actions; authorizing certain fees; requiring certain modification agreements; providing for authority of the Department of Public Safety; providing for surrendering of licenses; repealing Section 6, Chapter 307, O.S.L. 1993 (56 O.S. Supp. 1994, Section 240.11), which relates to suspension of professional licenses relating to child support; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 139 of Title 43, unless there is created a duplication in numbering, reads as follows:

The Legislature finds and declares that child support is a basic legal right of the state's parents and children, that mothers and fathers have a legal obligation to provide financial support for their children and that child support payments can have a substantial impact on child poverty and state welfare expenditures. It is therefore the Legislature's intent to encourage payment of child support to decrease overall costs to the state's taxpayers while increasing the amount of financial support collected for the state's children by authorizing the district courts of this state and the Department of Human Services to order the revocation or suspension of an occupational, professional or business license or the driving privilege of or to order probation for a parent who is in noncompliance with an order for support for at least ninety (90) days;

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 139.1 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. As used in this section and Section 11 of this act:

1. "Licensing board" means any bureau, department, division, board, agency or commission of this state or of a municipality in this state that issues a license;

2. "Noncompliance with an order for support" means that the obligor has failed to make child support payments required by a child support order in an amount equal to the child support payable for at least ninety (90) days or has failed to make full payments pursuant to a court-ordered payment plan for at least ninety (90) days or has failed to obtain or maintain health insurance coverage as required by an order for support for at least ninety (90) days;

3. "Order for support" means any judgment or order for the support of dependent children issued by any court of this state or other state or any judgment or order issued in accordance with an administrative procedure established by state law that affords substantial due process and is subject to judicial review;

4. "Department" means the Department of Human Services;

5. "License" means a license, certificate, registration, permit, approval or other similar document issued by a licensing board granting to an individual a right or privilege to engage in a

profession, occupation, or business, or a driver license or other permit issued pursuant to Title 47 of the Oklahoma Statutes;

6. "Obligor" means the person who is required to make payments pursuant to an order for support;

7. "Person entitled" means:

- a. a person to whom a support debt or support obligation is owed,
- b. the Department of Human Services or a public agency of another state that has the right to receive current or accrued support payments or that is providing support enforcement services, or
- c. a person designated in a support order or as otherwise specified by the court; and

8. "Payment plan" includes but is not limited to a plan approved by the court that provides sufficient security to ensure compliance with a support order and/or that incorporates voluntary or involuntary income assignment or a similar plan for periodic payment on an arrearage and, if applicable, current and future support.

B. 1. Except as otherwise provided by this subsection, the district courts of this state are hereby authorized to order the revocation or suspension of a license or the placement of the obligor on probation who is in noncompliance with an order for support.

2. If the obligor is a licensed attorney, the court may report the matter to the Oklahoma Bar Association for appropriate action in accordance with the rules of professional conduct.

3. Pursuant to Section 11 of this act, the district courts of this state are hereby authorized to order the revocation or suspension of a driver license of an obligor who is in noncompliance with an order of support. In addition, the court may, in case of extreme and unusual hardship, provide for a modification of the revocation, or suspension of the driver license of an obligor who is in noncompliance with an order of support.

4. The remedy under this section is in addition to any other enforcement remedy available to the court.

C. 1. At any hearing involving the support of a child, if the district court finds evidence presented at the hearing that an obligor is in noncompliance with an order for support and the obligor is licensed by any licensing board, the court, in addition to any other enforcement action available, may direct the licensing board to suspend or revoke the license of the obligor who is in noncompliance with the order of support until the obligor no longer is delinquent in such payments.

2. Upon a showing that a suspension or revocation or continued suspension or revocation of a license would create a significant hardship to the obligor, to the obligor's employees, to legal dependents residing in the obligor's household, or to persons, businesses, or other entities served by the obligor, the court may place the obligor on probation and allow the obligor to practice or continue to practice his profession, occupation or business. Probation shall be conditioned upon full compliance with the order. If the court grants probation, the probationary period shall not exceed three (3) years, and the terms of probation shall provide for automatic suspension or revocation of the license if the obligor does not provide monthly proof to the court and to the person entitled to support of full compliance with the order. Proof of payment may be filed with the court clerk in such manner and form as required by the court.

D. 1. When the court determines that the support debt or support obligation is paid in full, it shall direct the licensing board to terminate the order of suspension or revocation of the license or probation of the obligor. The court shall send a copy of such order to the licensing board, the obligor and the person entitled to support.

2. Entry of such an order does not limit the ability of the court to issue a new order requiring the licensing board to revoke or suspend the license of the same obligor in the event of another delinquency.

E. 1. The court shall not lift the suspension or revocation of the license or terminate the probation of the obligor until the obligor files with the court proof showing that he is current in his payments as required by the court.

2. Before the court orders termination of probation or removal of a suspension or revocation, the court shall provide written notice by certified mail, return receipt requested, to the person entitled to child support informing such person that the obligor has proven to the satisfaction of the court that the obligor is current in his payments. Such notice shall also include an opportunity for the person entitled to child support to protest such termination or removal, upon a claim and proof that the obligor is not current in his payments. A protest must be commenced within thirty (30) days of receipt of the notice and, upon the filing of a protest, the matter shall be set for hearing. At the hearing, the obligor shall submit proof that he is current in his payments as required by the court.

F. Upon receipt of a court order to suspend or revoke the license of an obligor or end probation, the licensing board shall implement the suspension or revocation of the license or placement of the obligor on probation by:

1. Determining if the licensing board has issued a license to the individual whose name appears on the order for support;

2. Notifying the obligor of the suspension, revocation or probation;

3. Demanding surrender of the license, if required;

4. Entering the suspension or revocation of the license or probation on the appropriate records; and

5. Reporting the suspension or revocation of the license or the probation as appropriate.

G. An order, issued by the court, directing the licensing board to suspend or revoke the license of the obligor or place the obligor on probation shall be processed by the licensing board without any additional review or hearing. An order, issued by the court, directing the licensing board to suspend or revoke the license of the obligor or place the obligor on probation shall be implemented by the licensing board and shall continue until the court, judicial court of review, or Court of Appeals advises the licensing board by order that the suspension or revocation or probation is terminated.

H. The licensing board has no jurisdiction to modify, remand, reverse, vacate, or stay the order of the court for the suspension or revocation of a license or placement of the obligor on probation.

I. In the event of suspension, revocation of a license, or a probation of the obligor, any funds paid by the obligor to the licensing board for costs related to issuance, renewal, or maintenance of a license shall not be refunded to the obligor.

J. A licensing board may charge the obligor a fee to cover the administrative costs incurred by the licensing board to administer the provisions of this section. Fees collected pursuant to this section by a licensing board which has an agency revolving fund

shall be deposited in the agency revolving fund for the use by the licensing board to pay the costs of administering this section. Otherwise, such administrative costs shall be deposited in the General Revenue Fund of the state.

K. Each licensing board shall promulgate rules necessary for the implementation and administration of this section.

L. The licensing board is exempt from liability to the obligor for activities conducted in compliance with this section.

SECTION 3. AMENDATORY 56 O.S. 1991, Section 240, as last amended by Section 1, Chapter 365, O.S.L. 1994, and as renumbered by Section 14, Chapter 365, O.S.L. 1994 (56 O.S. Supp. 1994, Section 237.7), is amended to read as follows:

Section 237.7 For the purposes of Sections 238 through 240.14 of this title:

1. The "Child Support Enforcement Division of the Department of Human Services", hereinafter referred to as the "Division" or as the "Department", is the state agency designated to administer the child support enforcement program for the State of Oklahoma and its District Offices, which may be administered through contract or cooperative agreements. The District Offices provide enforcement services to individuals receiving Aid to Families with Dependent Children, hereinafter referred to as "AFDC", and to individuals not receiving AFDC who have made proper application for enforcement services to the Division;

2. "Office of Administrative Hearings: Child Support (Legal Division, Department of Human Services, State of Oklahoma)", hereinafter referred to as "OAH", conducts child support enforcement administrative hearings. All hearings are conducted by administrative law judges assigned to OAH;

3. "Support debt" means a debt owed to the State of Oklahoma by the natural, legal or adoptive parents who are responsible for support of a child or children receiving public assistance money from the Department or the reasonable expenses of providing for a child or children. The amount of the debt shall be determined in accordance with the provisions of Section 118 of Title 43 of the Oklahoma Statutes;

4. "Arrearage" means the total amount of unpaid support obligations;

5. "Delinquency" means any payment under an order for support which becomes due and remains unpaid;

6. "Gross income", "income" or "earnings" means income from any source and includes but is not limited to income from salaries, wages, commissions, bonuses, dividends, severance pay, pensions, rent, interest income, trust income, annuities, compensation as an independent contractor, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, gifts, prizes, any form of periodic payment to an individual regardless of source, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district, or any entity created by law. Income specifically excluded are actual child support received for children not before the court and benefits received from means-tested public assistance programs, including but not limited to AFDC, Supplemental Security Income (SSI), Food Stamps, General Assistance and State Supplemental Payments for Aged, Blind and the Disabled.

For purposes of computing gross income of the parents, gross income shall include for each parent all actual monthly income described in this paragraph, the average of the gross monthly income for the time actually employed during the previous three (3) years,

or the minimum wage paid for a forty-hour week, whichever is the most equitable. If equitable, gross monthly income for either parent may be imputed in an amount that a person with comparable education, training and experience could reasonably expect to earn. If a person is permanently physically or mentally incapacitated, the child support obligation shall be computed on the basis of actual monthly gross income;

7. "Disposable income" means income or earnings less any amounts required by law to be withheld, including but not limited to federal, state, and local taxes, Social Security, and public assistance payments;

8. "Obligor" means the person who is required to make payments under an order for support and/or the natural, legal, or adoptive parents who are responsible for the support of such child or children;

9. "Person entitled" means ~~the person or entity to whom a duty of support is owed:~~

- a. a person to whom a support debt or support obligation is owed,
- b. the Department of Human Services or a public agency of another state that has the right to receive current or accrued support payments or that is providing support enforcement services, or
- c. a person designated in a support order or as otherwise specified by the court;

10. "Payor" means any person or entity paying monies, income or earnings to an obligor. In the case of a self-employed person, the "payor" and "obligor" may be the same person;

11. "Support order" means an order for the payment of support issued by a district or administrative court of this state or by any court or agency of another state;

12. "Income assignment" is a provision of a support order which directs the obligor to assign a portion of the monies, income, or periodic earnings due and owing to the obligor to the person entitled to the support or to another person or entity designated by the support order or assignment for payment of support, the support debt, and/or arrearages. In all other child support orders wherein child support is being paid to a recipient of AFDC, the wages of any parent required by court or administrative order to pay support shall be subject to immediate income assignments regardless of whether support payments by such parent are in arrears. In all child support orders in which child support services are being provided under the state child support plan as provided under Section 237 of this title, the court or administrative law judge shall order the wages of any person required by the court or administrative order to pay support be subject to immediate income assignment, unless:

- a. one of the parties demonstrates and the district or administrative court finds good cause not to require immediate income withholding, or
- b. a written agreement is reached between the parties which provides for an alternative arrangement.

The assignment shall be in an amount which is sufficient to meet the monthly child support payments, payments on support debt and arrearages or other maintenance payments imposed by the district or administrative court order. The income assignment shall be made a part of a support order or any order granting a judgment for a support debt or arrearages, or a review or modification of a support order pursuant to Section 118.1 of Title 43 of the Oklahoma Statutes;

13. "Voluntary acknowledgment" means a written acknowledgment executed by the obligor wherein the obligor acknowledges paternity, support liability, a support debt or arrearage amount, and agrees to a judgment and an immediate income assignment to pay monthly support and payments on the support debt or arrearage judgments; ~~and~~

14. "Notice" means a written announcement served upon an obligor, a custodial person or any person or entity which might be affected by the noticed proceeding;

15. "Licensing board" means any bureau, department, division, board, agency or commission of this state or of a municipality in this state that issues a license;

16. "License" means a license, certificate, registration, permit, approval or other similar document issued by a licensing board granting to an individual a right or privilege to engage in a profession, occupation, or business or industry, or a driver license or other permit issued pursuant to Title 47 of the Oklahoma Statutes;

17. "Commission" means the Commission for Human Services; and

18. "Payment plan" includes but is not limited to a plan approved by the support enforcement entity that provides sufficient security to ensure compliance with a support order and/or that incorporates voluntary or involuntary income assignment or a similar plan for periodic payment of past-due support and, if applicable, current and future support.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 240.15 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. 1. Except as otherwise provided by this section, the Department of Human Services is authorized to order the revocation or suspension of a license or placement of an obligor on probation who is in noncompliance with an order for support.

2. If the obligor is a licensed attorney, the Department may report the matter to the Oklahoma Bar Association for appropriate action in accordance with the rules of professional conduct.

3. Pursuant to Section 11 of this act, the Department of Human Services is hereby authorized to order the revocation or suspension of a driver license of an obligor who is in noncompliance with an order of support. In addition the Department of Human Services may, in cases of extreme and unusual hardship, provide for a modification of the revocation, or suspension of the driver license of an obligor who is in noncompliance with an order of support.

4. The remedy under this section is in addition to any other enforcement remedy available to the Department.

B. 1. Whenever the Department of Human Services determines that an obligor may be in noncompliance with an order for support, before proceeding to revoke or suspend a license or place the obligor on probation, the Department of Human Services shall issue a notice of intent to suspend or revoke the license or place the obligor on probation.

2. The notice shall be served upon the obligor personally or by certified mail in the same manner as provided for in Section 2004 of Title 12 of the Oklahoma Statutes.

3. The notice shall state that the obligor's license will be suspended or revoked or the obligor placed on probation thirty (30) days after service unless within that time the obligor:

a. pays the entire past-due support as stated in the notice,

b. enters into a payment plan approved by the Department, or

c. appears and shows cause in a hearing before the Department that suspension or revocation of a license or probation is not appropriate;

C. To show cause why suspension or revocation of a license or probation would not be appropriate, the obligor shall request a hearing from the Department. The request shall be made in writing within thirty (30) days of the date of service of the notice.

D. Upon receipt of a request for hearing from an obligor, the Department shall schedule a hearing for the purpose of determining if suspension or revocation of the obligor's license or probation is appropriate.

E. The only issues that may be determined in a hearing under this section are whether or not the obligor is in noncompliance with an order for support, and whether or not the obligor has entered or will enter into a payment plan. Where a payment plan is entered into the Department may provide for probation pursuant to Section 5 of this act.

F. If an obligor fails to respond to a notice of intent to order the suspension or revocation of a license or probation, fails to timely request a hearing, or fails to appear at a regularly scheduled hearing, the obligor's defenses, objections, or request for a payment plan shall be considered to be without merit, and the Department shall enter a final decision and order accordingly.

G. If the Department determines that the obligor is in noncompliance with an order for support and that the obligor has not entered into a payment plan, the Department shall issue an order suspending or revoking the obligor's license and ordering the obligor to refrain from engaging in the licensed activity or shall issue an order placing the obligor on probation. The Department shall send a copy of the order of suspension or revocation of a license or of probation to the licensing board and to the obligor.

H. The determinations of the Department pursuant to this section are a final agency decision and are subject to judicial review pursuant to Section 240.3 of Title 56 of the Oklahoma Statutes.

I. A determination made by the Department pursuant to this section is independent of any proceeding of the licensing board to suspend, revoke, deny, terminate, or renew a license.

J. The Department has the authority to order the suspension or revocation of a license or the placement of an obligor on probation without any action by the licensing board. The licensing board shall, upon receipt of an order issued by the Department, suspend or revoke the license of the named individual or place the obligor on probation.

K. For purposes of this section and Sections 5 through 11 of this act, the term "noncompliance with an order for support" means that the obligor has failed to make child support payments required by a child support order in an amount equal to the child support payable for at least ninety (90) days, has failed to make full payments pursuant to a court-ordered payment plan for at least ninety (90) days or has failed to obtain or maintain health insurance coverage for at least ninety (90) days as required by a support order.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 240.16 of Title 56, unless there is created a duplication in numbering, reads as follows:

If at a hearing requested by the obligor pursuant to Section 4 of this act, the obligor shows that suspension, revocation or continued suspension or revocation of a license would create a significant hardship to the obligor, to the obligor's employees, to

legal dependents residing in the obligor's household, or to persons, businesses, or other entities served by the obligor, the Department may place the obligor on probation and allow the obligor to practice or continue to practice his profession, occupation or business on probation. Probation shall be conditioned upon full compliance with the order. If the Department grants probation, the period shall not exceed three (3) years, and the terms of probation shall provide for automatic suspension of the license if the obligor does not provide monthly proof to the Department, as required by the Department, of full compliance with the order.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 240.17 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. When the Department of Human Services determines that the support debt, past-due support, or support obligation is paid in full, it shall terminate the order of suspension or revocation of the license or the order of probation. The Department shall send a copy of said order to the board, the obligor and the person entitled to child support.

B. Entry of such an order does not limit the ability of a Department to issue a new order of suspension or revocation of the license of the same obligor or place the obligor on probation in the event of another delinquency.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 240.18 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Department shall not lift the suspension or revocation of the license or probation of an obligor until the obligor files with the Department proof showing that he is current in his payments as required by the Department. Before the Department may terminate probation or remove a suspension or revocation, the Department shall provide written notice by certified mail, return receipt requested, to the person entitled to child support informing such person that the obligor has proven to the satisfaction of the Department that the obligor is current in his payments. Such notice shall also include an opportunity for the person entitled to child support to protest such termination or removal upon a claim and proof that the obligor is not current in his payments. A protest must be commenced within thirty (30) days of receipt of the notice.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 240.19 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Upon receipt of an administrative order from the Department of Human Services to suspend or revoke the license of an obligor or placement of the obligor on probation, the licensing board shall implement the suspension or revocation of the license or probation of the obligor by:

1. Determining if it has issued a license to the person whose name appears on the order;
2. Notifying the obligor of the suspension, revocation or probation;
3. Demanding the license, if required;
4. Entering the suspension, revocation or probation on the appropriate records; and
5. Reporting the suspension or revocation or probation, as appropriate.

B. An order, issued by the Department, directing the licensing board to suspend or revoke a license or place the obligor on probation shall be processed by the licensing board without any additional review or hearing.

C. An order, issued by the Department, directing the licensing board to suspend or revoke the license of the obligor or place the obligor on probation shall be implemented by the licensing board and shall continue until the OAH, the district court, judicial court of review, or Court of Appeals advises the licensing board by order, that the suspension, revocation or probation is terminated.

D. The licensing board shall have no jurisdiction to modify, remand, reverse, vacate, or stay the order of the Department for the suspension or revocation of a license or placing the obligor on probation.

E. In the event of suspension or revocation of a license or probation of the obligor, any funds paid by the obligor to the licensing board for costs related to issuance, renewal, or maintenance of a license shall not be refunded to the obligor.

F. The licensing board is exempt from liability to the obligor for activities conducted in compliance with this section.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 240.20 of Title 56, unless there is created a duplication in numbering, reads as follows:

A licensing board may charge the obligor a fee to cover the administrative costs incurred by the licensing board pursuant to Sections 5 through 10 of this act. Fees collected pursuant to this section by a licensing board which has an agency revolving fund shall be deposited in the agency revolving fund for the use by the licensing board to pay the costs of administering Sections 5 through 10 of this act. Otherwise, such administrative costs shall be deposited in the General Revenue Fund of the state.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 240.21 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall promulgate rules necessary for the implementation and administration of Sections 5 through 10 of this act.

B. Each licensing board shall promulgate rules necessary for the implementation and administration of Sections 5 through 10 of this act.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-201.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. In addition to other qualifications and conditions established by law, the privilege of an individual to hold a driver license issued by this state is subject to the requirements of this section.

B. Upon receipt of an order from a court or from the Office of Administrative Hearings: Child Support of the Department of Human Services, hereinafter referred to as "OAH", that a person obligated to pay child support who owns or operates a motor vehicle is not in compliance with an order for support, the Commissioner of Public Safety shall suspend such person's driver license and right to operate a vehicle.

C. 1. Whenever a court or the OAH finds that a person is not in compliance with an order of child support, the court or the OAH, as applicable, shall require the person to surrender to it the driver license held by the person and shall forward to the Department of Public Safety an order to revoke the driving privilege of the person, together with any driver license surrendered to the court or OAH. An order of the court or the OAH, as applicable, to revoke a person's driving privilege for noncompliance with an order of support shall be upon a Notification of Revocation form prescribed by the Department of Public Safety. The Department of

Public Safety shall prepare and distribute the Notification form to be used by the courts and the OAH.

2. In addition to the Department of Public Safety, the court or the OAH, as applicable, shall send a copy of the Notification of Revocation to the person obligated to pay child support by first class, postage prepaid mail. The Notification shall:

- a. include the name, address, date of birth, physical description and, if known, the driver license number of the person,
- b. require the Department to revoke the driving privilege of the person required to pay child support,
- c. require the Department to not reinstate the person's driving privilege until:
 - (1) the court or the OAH issues a release that states such person is in compliance with the order of support or until a court or the OAH otherwise authorizes reinstatement of the person's driving privilege, and
 - (2) the person has paid to the Department the fees required by Section 6-212 of Title 47 of the Oklahoma Statutes and any fee authorized by subsection I of this section and has met all other statutory requirements for reinstatement of the person's driving privilege;

3. Specify the reason and statutory ground for the revocation and the effective date of the revocation;

4. Inform the person that in order to apply for reinstatement of the person's driving privilege, the person must obtain a release from the OAH or the court, as applicable; and

5. Inform the person that the person may file a petition for judicial review of the Notification of Revocation in district court within thirty (30) days after receipt of the Notification.

D. Upon receipt of the Notification of Revocation from a court or the OAH, as applicable, that a person obligated to pay child support is not in compliance with an order of support, the Department shall, in addition to any other authority to withdraw driving privileges, revoke the driving privilege of the person named in the Notification without hearing.

E. 1. The court or the OAH may modify the revocation order in cases of extreme and unusual hardship when it is determined by the court or the OAH, as applicable, that no other adequate means of transportation exists for the person whose driving privilege has been revoked or suspended to allow driving in any or all of the following situations:

- a. to and from a place of employment or in search of employment,
- b. to and from a child care facility, providing the person is a parent or legal guardian with no other means of transporting the child so the parent or legal guardian can maintain employment,
- c. to and from a medical facility in the event of an emergency,
- d. in the course of employment,
- e. to and from an educational institution for the purpose of attending classes if the person is enrolled and regularly attending classes at such institution, or
- f. to permit the person to comply with any existing court order.

2. The modification order shall state the circumstances under which driving is permitted.

3. Upon receipt of a written modification order from the court or the OAH, as applicable, and the payment to the Department of a modification fee of One Hundred Dollars (\$100.00), the Department shall modify the revocation order as provided in the modification order. In the modification order, the Department of Public Safety shall specify the specific times of the day or night based on the circumstances set out in the order, that the person owing child support may drive. Upon the application of such person and upon a showing of good cause, such times may be modified due to employment, course of employment or other reason authorized by the Department of Public Safety.

F. If the court or the OAH, as applicable, is unable to secure the surrender to it of the driver license held by the person found to be in noncompliance with an order of support, the Department, upon revoking the driving privilege of the person, shall require that the driver license held by the person be surrendered to the Department. Upon reinstatement of the person's driving privileges, as provided for by law, the person's valid and lawful driver license shall be returned to the person by the Department.

G. The Commissioner shall promulgate rules to implement and enforce the requirements of this section.

H. The Commissioner and the Department of Human Services shall enter into an agreement to carry out the requirements of this section.

I. The Commissioner may charge a fee to the person whose driving privilege has been revoked for noncompliance with an order of support in order to cover administrative costs incurred by the Department pursuant to the provisions of this section.

SECTION 12. REPEALER Section 6, Chapter 307, O.S.L. 1993 (56 O.S. Supp. 1994, Section 240.11), is hereby repealed.

SECTION 13. This act shall become effective November 1, 1995.

Passed the House of Representatives the 24th day of May, 1995.

Speaker of the House of
Representatives

Passed the Senate the 24th day of May, 1995.

President of the Senate