

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1126 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Jason Nelson

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 PROPOSED COMMITTEE

4 SUBSTITUTE

5 FOR ENGROSSED

6 SENATE BILL NO. 1126

By: Jolley of the Senate

and

Nelson of the House

7
8
9 PROPOSED COMMITTEE SUBSTITUTE

10 An Act relating to marriage and family; amending 43
11 O.S. 2001, Section 139.1, as amended by Section 1,
12 Chapter 124, O.S.L. 2004 (43 O.S. Supp. 2008, Section
13 139.1), which relates to revocation or suspension of
14 certain licenses; requiring payment plans in certain
15 circumstances; providing for review hearing;
16 authorizing certain action by the court; requiring
17 court to take certain action if obligor fails to meet
18 payments during probation; authorizing the court to
19 extend or revoke probation; establishing certain
20 formula; and providing an effective date.

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

22 SECTION 1. AMENDATORY 43 O.S. 2001, Section 139.1, as
23 amended by Section 1, Chapter 124, O.S.L. 2004 (43 O.S. Supp. 2008,
24 Section 139.1), is amended to read as follows:

Section 139.1 A. As used in this section and Section 6-201.1
of Title 47 of the Oklahoma Statutes:

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

4 2. "Noncompliance with an order for support" means that the
5 obligor has failed to make child support payments required by a
6 child support order in an amount equal to the child support payable
7 for at least ninety (90) days or has failed to make full payments
8 pursuant to a court-ordered payment plan for at least ninety (90)
9 days or has failed to obtain or maintain health insurance coverage
10 as required by an order for support for at least ninety (90) days or
11 has failed, after receiving appropriate notice to comply with
12 subpoenas or orders relating to paternity or child support
13 proceedings or has failed to comply with an order to submit to
14 genetic testing to determine paternity;

15 3. "Order for support" means any judgment or order for the
16 support of dependent children or an order to submit to genetic
17 testing to determine paternity issued by any court of this state or
18 other state or any judgment or order issued in accordance with an
19 administrative procedure established by state law that affords
20 substantial due process and is subject to judicial review;

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

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

1 profession, occupation, or business, or any recreational license or
2 permit including, but not limited to, a hunting and fishing license
3 or other authorization issued pursuant to the Oklahoma Wildlife
4 Conservation Code, certificates of title for vessels and motors and
5 other licenses or registrations issued pursuant to the Oklahoma
6 Vessel and Motor Registration Act, or a driver license or other
7 permit issued pursuant to Title 47 of the Oklahoma Statutes;

8 6. "Obligor" means the person who is required to make payments
9 or comply with other provisions of an order for support;

10 7. "Person entitled" means:

11 a. a person to whom a support debt or support obligation
12 is owed,

13 b. the Department of Human Services or a public agency of
14 another state that has the right to receive current or
15 accrued support payments or that is providing support
16 enforcement services, or

17 c. a person designated in a support order or as otherwise
18 specified by the court; and

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

1 B. 1. Except as otherwise provided by this subsection, the
2 district courts of this state are hereby authorized to order the
3 revocation, suspension, nonissuance or nonrenewal of a license or
4 the placement of the obligor on probation who is in noncompliance
5 with an order for support. Under the conditions of probation the
6 obligor shall enter into a payment plan whereby the obligor pays
7 current support and the equivalent for a total of three (3) months.
8 During this three-month period the obligor shall be on probation and
9 maintain the license which is the subject of the revocation action.

10 A review hearing shall be set by the court for the obligor to
11 appear three (3) months from the beginning of the probation and
12 payment plan. If at this hearing payments have been made as ordered
13 for the payment plan and probation, then the probation for
14 revocation of the license may be dismissed by the court.

15 In the alternative after reviewing the payment record from the
16 three-month probation, the court may continue a probationary plan
17 for up to three (3) years to monitor the payments of the obligor.
18 The obligor shall maintain the license while continuing the payments
19 under the probationary plan.

20 If obligor has failed to meet the payments as ordered in the
21 plan during the three-month probation, the court shall direct the
22 licensing board to revoke the license and privileges thereto. The
23 obligor may at this three-month hearing produce evidence of
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1 extraordinary circumstances that contributed to the obligor not
2 fulfilling the court-ordered plan during this three-month period.

3 After hearing the sworn testimony and considering the evidence,
4 the court may extend the probation and payment plan or revoke the
5 probation and suspend the license at issue until the obligor is no
6 longer in noncompliance with the order for payment of child support.

7 When an obligor pays a ninety-day arrearage in an amount less
8 than what is owed, the amount remaining to be paid shall be divided
9 by the amount originally owed and such quotient shall be multiplied
10 by ninety (90). That product shall be the number of days the
11 obligor remains in arrearage.

12 2. If the obligor is a licensed attorney, the court may report
13 the matter to the State Bar Association to revoke or suspend the
14 professional license of the obligor or other appropriate action in
15 accordance with the rules of professional conduct and disciplinary
16 proceedings.

17 3. Pursuant to Section 6-201.1 of Title 47 of the Oklahoma
18 Statutes, the district or administrative courts of this state are
19 hereby authorized to order the revocation or suspension of a driver
20 license of an obligor who is in noncompliance with an order of
21 support.

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

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1 C. 1. At any hearing involving the support of a child, if the
2 district court finds evidence presented at the hearing that an
3 obligor is in noncompliance with an order for support and the
4 obligor is licensed by any licensing board, the court, in addition
5 to any other enforcement action available, may suspend or revoke the
6 license of the obligor who is in noncompliance with the order of
7 support or place the obligor on probation.

8 2. If the obligor enters into a court-ordered payment plan to
9 repay past due support and provides proof to the court that the
10 obligor is complying with all other provisions of the order for
11 support, the court may place the obligor on probation and allow the
12 obligor to practice or continue to practice the obligor's
13 profession, occupation or business, or to operate a motor vehicle.
14 Probation shall be conditioned upon full compliance with the order.
15 If the court grants probation, the probationary period shall not
16 exceed three (3) years, and the terms of probation shall provide for
17 automatic suspension or revocation of the license if the obligor
18 does not fully comply with the order. If the court orders
19 probation, the appropriate licensing board shall not be notified and
20 no action is required of that board.

21 D. When all support due is paid in full and the obligor has
22 complied with all other provisions of the order for support, the
23 obligor may file a motion with the court for reinstatement of the
24 obligor's licenses and the motion shall be set for hearing. If the

1 court finds the obligor has paid all support due in full and has
2 complied with all other provisions of the order for support, the
3 court shall reinstate the obligor's licenses.

4 E. 1. An obligor may file a motion with the court for
5 reinstatement of the obligor's licenses prior to payment in full of
6 all support due and the motion shall be set for hearing.

7 2. The court may reinstate the obligor's licenses if the
8 obligor has:

- 9 a. paid the current child support and the monthly
10 arrearage payments each month for the current month
11 and two (2) months immediately preceding, or paid an
12 amount equivalent to three (3) months of child support
13 and arrearage payments which satisfies the current
14 child support and monthly arrearage payments for the
15 current month and two (2) months immediately
16 preceding,
- 17 b. disclosed all information regarding health insurance
18 availability and obtained and maintained health
19 insurance coverage required by an order for support,
- 20 c. complied with all subpoenas and orders relating to
21 paternity or child support proceedings,
- 22 d. complied with all orders to submit to genetic testing
23 to determine paternity, and
- 24 e. disclosed all employment and address information.

1 3. If the court terminates the order of suspension, revocation,
2 nonissuance or nonrenewal, it shall place the obligor on probation,
3 conditioned upon the obligor's complying with any payment plan and
4 the provisions of the order for support.

5 4. If the obligor fails to comply with the terms of probation,
6 the court may refuse to reinstate the obligor's licenses and driving
7 privileges unless the obligor makes additional payments in an amount
8 determined by the court to be sufficient to ensure future
9 compliance, and the obligor complies with the other terms set by the
10 court.

11 F. The obligor shall serve on the custodian or the state a copy
12 of the motion for reinstatement of the obligor's licenses and notice
13 of hearing pursuant to Section 2005 of Title 12 of the Oklahoma
14 Statutes, or if there is an address of record, by regular mail to
15 the address of record on file with the central case registry
16 pursuant to Section 112A of this title. When child support services
17 are being provided pursuant to Section 237 of Title 56 of the
18 Oklahoma Statutes, the obligor shall serve a copy of the motion for
19 reinstatement of the obligor's licenses on the Department of Human
20 Services.

21 G. If the court orders termination of the order of suspension
22 or revocation, the obligor shall send a copy of the order
23 reinstating the obligor's licenses to the licensing board and the
24 custodian and to the Department of Human Services when child support

1 services are being provided pursuant to Section 237 of Title 56 of
2 the Oklahoma Statutes.

3 H. Entry of this order does not limit the ability of the court
4 to issue a new order requiring the licensing board to revoke or
5 suspend the license of the same obligor in the event of another
6 delinquency or failure to comply.

7 I. Upon receipt of a court order to suspend or revoke the
8 license of an obligor, the licensing board shall comply with the
9 order by:

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

12 2. Notifying the obligor of the suspension or revocation;

13 3. Demanding surrender of the license, if required;

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

16 5. Reporting the suspension or revocation of the license as
17 appropriate.

18 J. Upon receipt of a court order to not issue or not renew the
19 license of an obligor, the licensing board shall implement by:

20 1. Determining if the licensing board has received an
21 application for issuance or renewal of a license from the individual
22 whose name appears on the order of support;

23 2. Notifying the obligor of the nonissuance or nonrenewal; and
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1 3. Entering the nonissuance or nonrenewal of the license as
2 appropriate.

3 K. An order, issued by the court, directing the licensing board
4 to suspend, revoke, not issue or not renew the license of the
5 obligor shall be processed and implemented by the licensing board
6 without any additional review or hearing and shall continue until
7 the court or appellate court advises the licensing board by order
8 that the suspension, revocation, nonissuance or nonrenewal is
9 terminated.

10 L. The licensing board has no jurisdiction to modify, remand,
11 reverse, vacate, or stay the order of the court for the suspension,
12 revocation, nonissuance or nonrenewal of a license.

13 M. In the event of suspension, revocation, nonissuance or
14 nonrenewal of a license, any funds paid by the obligor to the
15 licensing board for costs related to issuance, renewal, or
16 maintenance of a license shall not be refunded to the obligor.

17 N. A licensing board may charge the obligor a fee to cover the
18 administrative costs incurred by the licensing board to administer
19 the provisions of this section. Fees collected pursuant to this
20 section by a licensing board which has an agency revolving fund
21 shall be deposited in the agency revolving fund for the use by the
22 licensing board to pay the costs of administering this section.
23 Otherwise, the administrative costs shall be deposited in the
24 General Revenue Fund of the state.

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

3 P. The licensing board is exempt from liability to the obligor
4 for activities conducted in compliance with Section 139 et seq. of
5 this title.

6 Q. The provisions of this section may be used to revoke or
7 suspend the licenses and driving privileges of the custodian of a
8 child who fails to comply with an order to submit to genetic testing
9 to determine paternity.

10 R. A final order entered pursuant to this section may be
11 appealed to the Supreme Court of Oklahoma pursuant to Section 990A
12 of Title 12 of the Oklahoma Statutes.

13 SECTION 2. This act shall become effective November 1, 2009.

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15 52-1-7660 SD 04/06/09

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