

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 372

By: Rosino

4  
5  
6 AS INTRODUCED

7 An Act relating to child support; amending 43 O.S.  
8 2011, Sections 139 and 139.1, as amended by Sections  
9 1 and 2, Chapter 111, O.S.L. 2020 (43 O.S. Supp.  
10 2020, Sections 139 and 139.1), which relate to right  
11 to child support and noncompliance with support  
12 order; modifying certain legislative findings;  
13 modifying definitions; authorizing court to suspend  
14 or revoke certain licenses under certain  
15 circumstances; requiring certain notice; modifying  
16 requirements for certain probation; modifying  
17 procedures for reinstatement of certain licenses;  
18 requiring revocation of driving privilege under  
19 certain circumstances; establishing procedures for  
20 revocation of driver licenses; requiring Department  
21 of Public Safety to prescribe certain form;  
22 establishing procedures for certain notification;  
23 establishing procedures for reinstatement of driving  
24 privileges; providing for codification; and providing  
an effective date.

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

20 SECTION 1. AMENDATORY 43 O.S. 2011, Section 139, as  
21 amended by Section 1, Chapter 111, O.S.L. 2020 (43 O.S. Supp. 2020,  
22 Section 139), is amended to read as follows:

23 Section 139. The Legislature finds and declares that child  
24 support is a basic legal right of the state's parents and children,

1 that mothers and fathers have a legal obligation to provide  
2 financial support for their children and that child support payments  
3 can have a substantial impact on child poverty and state welfare  
4 expenditures. It is therefore the Legislature's intent to encourage  
5 payment of child support to decrease overall costs to the state's  
6 taxpayers while increasing the amount of financial support collected  
7 for the state's children by authorizing the district courts of this  
8 state and the Department of Human Services to order the revocation,  
9 suspension, nonissuance or nonrenewal of an occupational,  
10 professional, business or any recreational license or permit, or  
11 permit including, but not limited to, a hunting and fishing license  
12 or other authorization issued pursuant to the Oklahoma Wildlife  
13 Conservation Code, Section 1-101 et seq. of Title 29 of the Oklahoma  
14 Statutes, and certificates of title for vessels and motors and other  
15 licenses of registration issued pursuant to the Oklahoma Vessel and  
16 Motor Registration Act, Section 4001 et seq. of Title 63 of the  
17 Oklahoma Statutes, and the driving privilege of or to order  
18 probation for a parent who is in noncompliance with an order for  
19 support for at least ninety (90) days or failing, after receiving  
20 appropriate notice to comply with subpoenas or warrants relating to  
21 paternity or child support proceedings.

22 SECTION 2. AMENDATORY 43 O.S. 2011, Section 139.1, as  
23 last amended by Section 2, Chapter 111, O.S.L. 2020 (43 O.S. Supp.  
24 2020, Section 139.1), is amended to read as follows:

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

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

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

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

23 4. "License" means a license, certificate, registration,  
24 permit, approval or other similar document issued by a licensing

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

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

11 6. "~~Oklahoma~~ Child Support Services ~~(OCSS)~~ (CSS)" means the  
12 state agency designated to administer a statewide plan for child  
13 support pursuant to Section 237 of Title 56 of the Oklahoma  
14 Statutes;

15 7. "Person entitled" means:

16 a. a person to whom a support debt or support obligation  
17 is owed,

18 b. the ~~OCSS~~ CSS or a public agency of another state that  
19 has the right to receive current or accrued support  
20 payments or that is providing support enforcement  
21 services, or

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

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

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

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.

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

10 2. a. To be placed on probation, the obligor shall agree to  
11 a payment plan to:

12 (1) make all future child support payments as  
13 required by the current order during the period  
14 of probation, and

15 (2) pay the full amount of the arrearage:

16 (a) by lump sum by a date certain, if the court  
17 determines the obligor has the ability, or

18 (b) by making monthly payments in addition to  
19 the monthly child support amount pursuant to  
20 Section 137 of this title.

21 b. The payments required to be made pursuant to this  
22 section shall continue until the child support  
23 arrearage and interest which was the subject of the  
24 license revocation action have been paid in full.

1           3. If the obligor is placed on probation, the obligor shall be  
2 allowed to practice or continue to practice the profession,  
3 occupation or business of the obligor, or to operate a motor  
4 vehicle. If the court orders probation, the appropriate licensing  
5 board shall not be notified and no action is required of that board.

6           4. Probation shall be conditioned upon full compliance with the  
7 order. If the court grants probation, the probationary period shall  
8 not exceed three (3) years from the date of entry of the initial  
9 order of revocation or probation.

10           5. If the obligor is ~~placed on probation~~ not in compliance with  
11 the terms of probation, the obligee or ~~OCSS~~ CSS may ~~request a~~  
12 ~~hearing~~ file a notice at any time ~~to review the status of the~~  
13 ~~obligor's compliance with the payment plan and to request~~ with the  
14 court for immediate suspension or revocation of the obligor's  
15 license. The obligor shall be served with the notice ~~of the hearing~~  
16 by regular mail to the obligor's address of record pursuant to  
17 Section 112A of this title. The obligor may request a hearing  
18 within thirty (30) days to show cause that the licenses of the  
19 obligor should not be suspended or revoked. If the obligor does not  
20 request a hearing within such time period, the court shall order  
21 immediate suspension or revocation of the obligor's licenses. If  
22 the licenses of the obligor are suspended or revoked, the obligor  
23 may subsequently apply for reinstatement pursuant to subsection D or  
24 E of this section.

1       ~~6. If, by the completion of time allotted for the probationary~~  
2 ~~period, the obligor has failed to fully comply with the terms of~~  
3 ~~probation, the licenses of the obligor shall be automatically~~  
4 ~~suspended or revoked without further hearing. If the licenses of~~  
5 ~~the obligor are suspended or revoked, the obligor may thereafter~~  
6 ~~apply for reinstatement in compliance with subsection D or E of this~~  
7 ~~section.~~

8       ~~D. When all support due is paid in full and the obligor has~~  
9 ~~complied with all other provisions of the order for support, the~~  
10 ~~obligor, the obligee or OCSS may file a motion with the court for~~  
11 ~~reinstatement of the obligor's licenses or termination of probation~~  
12 ~~and the motion shall be set for hearing. If the court finds the~~  
13 ~~obligor has paid all support due in full and has complied with all~~  
14 ~~other provisions of the order for support, the court shall reinstate~~  
15 ~~the obligor's licenses or terminate the probation.~~

16       ~~E. 1. An obligor whose~~ When an obligor's licenses have been  
17 suspended or revoked, the obligor, the obligee or CSS may ~~file a~~  
18 ~~motion with~~ request the court ~~for reinstatement of~~ to reinstate the  
19 ~~licenses of the obligor prior to payment in full of all support due~~  
20 ~~and the motion shall be set for hearing.~~

21       2. The court ~~may~~ shall reinstate the licenses of the obligor if  
22 the obligor has:

- 23       a. paid all support due in full or paid the current child  
24             support and the monthly arrearage payments each month

1 for the current month and two (2) months immediately  
2 preceding, or paid an amount equivalent to three (3)  
3 months of child support and arrearage payments which  
4 satisfies the current child support and monthly  
5 arrearage payments for the current month and two (2)  
6 months immediately preceding,

7 b. disclosed all information regarding health insurance  
8 availability and obtained and maintained health  
9 insurance coverage required by an order for support,

10 c. complied with all subpoenas and orders relating to  
11 paternity or child support proceedings,

12 d. complied with all orders to submit to genetic testing  
13 to determine paternity, and

14 e. disclosed all employment and address information.

15 3. If the obligor has not met the conditions in paragraph 2 of  
16 this subsection, the court may reinstate licenses upon a showing  
17 that reinstatement of licenses would increase the likelihood of the  
18 obligor paying consistent, reliable child support or for good cause  
19 shown.

20 4. If the court terminates the order of suspension, revocation,  
21 nonissuance or nonrenewal, it shall place the obligor on probation,  
22 conditioned upon compliance with any payment plan and the provisions  
23 of the order for support.

1       ~~4. If the obligor fails to comply with the terms of probation,~~  
2 ~~the court may refuse to reinstate the licenses of the obligor unless~~  
3 ~~the obligor makes additional payments in an amount determined by the~~  
4 ~~court to be sufficient to ensure future compliance, and the obligor~~  
5 ~~complies with the other terms set by the court.~~

6       ~~F. The obligor shall serve on the custodian or the state a copy~~  
7 ~~of the motion for reinstatement of the licenses of the obligor and~~  
8 ~~notice of hearing pursuant to Section 2005 of Title 12 of the~~  
9 ~~Oklahoma Statutes, or if there is an address of record, by regular~~  
10 ~~mail to the address of record on file with the central case registry~~  
11 ~~pursuant to Section 112A of this title. When child support services~~  
12 ~~are being provided pursuant to Section 237 of Title 56 of the~~  
13 ~~Oklahoma Statutes, the obligor shall serve a copy of the motion for~~  
14 ~~reinstatement of the licenses of the obligor on OCSS.~~

15       ~~G. E.~~ If the court orders termination of the order of  
16 suspension or revocation, the obligor shall send a copy of the order  
17 reinstating the licenses of the obligor to the licensing board, the  
18 custodian and ~~OCSS~~ CSS when child support services are being  
19 provided pursuant to Section 237 of Title 56 of the Oklahoma  
20 Statutes.

21       ~~H. F.~~ Entry of this order does not limit the ability of the  
22 court to issue a new order requiring the licensing board to revoke  
23 or suspend the license of the same obligor in the event of another  
24 delinquency or failure to comply.

1       ~~F.~~ G. Upon receipt of a court order to suspend or revoke the  
2 license of an obligor, the licensing board shall comply with the  
3 order by:

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

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

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

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

10          5. Reporting the suspension or revocation of the license as  
11 appropriate.

12       ~~F.~~ H. Upon receipt of a court order to not issue or not renew  
13 the license of an obligor, the licensing board shall implement by:

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

17           2. Notifying the obligor of the nonissuance or nonrenewal; and

18           3. Entering the nonissuance or nonrenewal of the license as  
19 appropriate.

20       ~~K.~~ I. An order, issued by the court, directing the licensing  
21 board to suspend, revoke, not issue or not renew the license of the  
22 obligor shall be processed and implemented by the licensing board  
23 without any additional review or hearing and shall continue until  
24 the court or appellate court advises the licensing board by order

1 that the suspension, revocation, nonissuance or nonrenewal is  
2 terminated.

3 ~~H.~~ J. The licensing board has no jurisdiction to modify,  
4 remand, reverse, vacate, or stay the order of the court for the  
5 suspension, revocation, nonissuance or nonrenewal of a license.

6 ~~M.~~ K. In the event of suspension, revocation, nonissuance or  
7 nonrenewal of a license, any funds paid by the obligor to the  
8 licensing board for costs related to issuance, renewal, or  
9 maintenance of a license shall not be refunded to the obligor.

10 ~~N.~~ L. A licensing board may charge the obligor a fee to cover  
11 the administrative costs incurred by the licensing board to  
12 administer the provisions of this section. Fees collected pursuant  
13 to this section by a licensing board which has an agency revolving  
14 fund shall be deposited in the agency revolving fund for the use by  
15 the licensing board to pay the costs of administering this section.  
16 Otherwise, the administrative costs shall be deposited in the  
17 General Revenue Fund of the state.

18 ~~O.~~ M. Each licensing board shall promulgate rules necessary for  
19 the implementation and administration of this section.

20 ~~P.~~ N. The licensing board is exempt from liability to the  
21 obligor for activities conducted in compliance with Section 139 et  
22 seq. of this title.

23 ~~Q.~~ O. The provisions of this section may be used to suspend or  
24 revoke the licenses and driving privileges of the custodian of a

1 child who fails to comply with an order to submit to genetic testing  
2 to determine paternity.

3 P. A final order entered pursuant to this section may be  
4 appealed to the Supreme Court of Oklahoma pursuant to Section 990A  
5 of Title 12 of the Oklahoma Statutes.

6 SECTION 3. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 6-201.1A of Title 47, unless  
8 there is created a duplication in numbering, reads as follows:

9 A. In addition to other qualifications and conditions  
10 established by law, the driving privilege of an individual is  
11 subject to the requirements of this section.

12 B. Upon receipt of an order from a court or from the Office of  
13 Administrative Hearings: Child Support of the Department of Human  
14 Services, hereinafter referred to as "OAH", that a person obligated  
15 to pay child support who owns or operates a motor vehicle is not in  
16 compliance with an order for support, the Commissioner of Public  
17 Safety shall revoke the person's driving privilege.

18 C. 1. Whenever a court or the OAH finds that a person is not  
19 in compliance with an order of child support, the court or the OAH,  
20 as applicable, shall require the person to surrender to it the  
21 driver license held by the person and shall forward to the  
22 Department of Public Safety an order to revoke the driving privilege  
23 of the person, together with any driver license surrendered to the  
24 court or OAH. An order of the court or the OAH, as applicable, to

1 revoke a person's driving privilege for noncompliance with an order  
2 of support shall be upon a Notification of Revocation form  
3 prescribed by the Department of Public Safety. The Department of  
4 Public Safety shall prepare and distribute the Notification form to  
5 be used by the courts and the OAH.

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

- 10 a. include the name, address, date of birth, physical  
11 description and, if known, the driver license number  
12 of the person,
- 13 b. require the Department to revoke the driving privilege  
14 of the person required to pay child support,
- 15 c. require the Department to not reinstate the person's  
16 driving privilege until:
  - 17 (1) the court or the OAH issues a release that states  
18 such person is in compliance with the order of  
19 support or until a court or the OAH otherwise  
20 authorizes reinstatement of the person's driving  
21 privilege, and
  - 22 (2) the person has paid to the Department the fees  
23 required by Section 6-212 of Title 47 of the  
24 Oklahoma Statutes and has met all other statutory

1 requirements for reinstatement of the person's  
2 driving privilege,

3 d. specify the reason and statutory ground for the  
4 revocation and the effective date of the revocation,

5 e. inform the person that in order to apply for  
6 reinstatement of the person's driving privilege, the  
7 person must obtain a release from the OAH or the  
8 court, as applicable, and

9 f. inform the person that the person may file a petition  
10 for judicial review of the Notification of Revocation  
11 in district court within thirty (30) days after  
12 receipt of the Notification.

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

19 E. 1. The court or the OAH shall furnish a release to the  
20 Department whenever a person, whose driving privilege has been  
21 revoked pursuant to this section, has established and is complying  
22 with a payment schedule, as determined by the court or the OAH.

23 Upon receipt of such release, the Department shall reinstate the  
24 driving privileges of the person, if the person is otherwise

1 eligible, pursuant to Section 6-212 of Title 47 of the Oklahoma  
2 Statutes;

3 2. If the person defaults on the payment schedule, the court or  
4 OAH may resubmit the notice of noncompliance as provided for in this  
5 section. The court or the OAH shall furnish a release to the  
6 Department whenever the person is once again complying with the  
7 payment schedule, as determined by the court or the OAH. Upon  
8 receipt of such release, the Department shall reinstate the driving  
9 privileges of the person, if the person is otherwise eligible,  
10 pursuant to Section 6-212 of Title 47 of the Oklahoma Statutes; and

11 3. A person whose driving privilege has been revoked for  
12 noncompliance due to defaulting on a payment schedule pursuant to  
13 paragraph 2 of this subsection shall be required to meet all  
14 statutory requirements for reinstatement of driving privileges  
15 including, but not limited to, the payment of processing and  
16 reinstatement fees, as provided for in Section 6-212 of Title 47 of  
17 the Oklahoma Statutes.

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

1 shall be returned to the person by the Department if the person is  
2 otherwise eligible.

3 SECTION 4. This act shall become effective November 1, 2021.

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