

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 164, Page 163, Section 442.135, Line 6,
2 by inserting after said section and line the following:

3
4 "454.1005. 1. To show cause why suspension of a license may not be appropriate, the
5 obligor shall request a hearing from the court or division that issued the notice of intent to suspend
6 the license. The request shall be made within sixty days of the date of service of notice.

7 2. If an obligor fails to respond, without good cause, to a notice of intent to suspend a
8 license~~;~~ or to timely request a hearing or comply with a payment plan, [the obligor's defenses and
9 ~~objections shall be considered to be without merit and]~~ the court or director may enter an order
10 suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed
11 activity.

12 3. Due process requires that, upon timely receipt of a request for hearing from an obligor,
13 the court or director shall schedule a hearing that complies with due process to determine if
14 suspension of the obligor's license is appropriate considering all relevant factors. The court or
15 director shall stay suspension of the license pending the outcome of the hearing.

16 4. ~~[If the action involves an arrearage, the only issues that may be determined in a hearing~~
17 ~~pursuant to this section are]~~ In determining whether the license suspension is appropriate under the
18 circumstances, the court or director shall consider and issue written findings of fact and conclusions
19 of law within thirty days following the hearing regarding the following:

20 (1) The identity of the obligor;

21 (2) Whether the arrearage is in an amount greater than or equal to three months of support
22 payments or two thousand five hundred dollars, whichever is less, by the date of service of a notice
23 of intent to suspend; ~~and]~~

24 (3) Whether the obligor has entered a payment plan. If the action involves a failure to
25 comply with a subpoena or order, the only issues that may be determined are the identity of the
26 obligor and whether the obligor has complied with the subpoena or order;

27 (4) Whether the obligor had the ability to make the payments that are in arrearage;

28 (5) Whether the obligor has the current ability to make the payments;

29 (6) The reasons the obligor needs the license, including, but not limited to:

30 (a) Transportation of family members to and from work, school, or medical treatment;

31 (b) Transportation of the obligor or family members to extra curricular activities; or

32 (c) A requirement for employment;

33 (7) Whether the obligor is unemployed or underemployed;

34 (8) Whether the obligor is actively seeking employment;

35 (9) Whether the obligor has been offered job assistance through the state;

36 (10) Whether the obligor is disabled and his or her capacity to work; and

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1 (11) Any other relevant factors that affect the obligor's ability to make the child support
2 payments.

3 5. If the court or director, after the hearing, determines that the obligor has failed to comply
4 with the child support payment obligation and an arrearage exists in excess of two thousand five
5 hundred dollars for good cause, then the court or director shall not issue an order suspending the
6 obligor's license and ordering the obligor to refrain from engaging in the licensed activity or, if an
7 order is in place, shall stay such order.

8 6. If the court or director, after hearing, determines that the obligor has failed, without good
9 cause, to comply with any of the requirements in subsection 4 of this section, the court or director
10 shall issue an order suspending the obligor's license and ordering the obligor to refrain from
11 engaging in the licensed activity.

12 ~~[6.]~~ 7. The court or division shall send a copy of the order suspending a license to the
13 licensing authority and the obligor by certified mail.

14 ~~[7.]~~ 8. The determination of the director, after a hearing pursuant to this section, shall be a
15 final agency decision and shall be subject to judicial review pursuant to chapter 536. Administrative
16 hearings held pursuant to this section shall be conducted by hearing officers appointed by the
17 director of the department pursuant to subsection 1 of section 454.475.

18 ~~[8.]~~ 9. A determination made by the court or division pursuant to this section is independent
19 of any proceeding of the licensing authority to suspend, revoke, deny, terminate or renew a license.";
20 and

21
22 Further amend said bill by amending the title, enacting clause, and intersectional references
23 accordingly.