

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 128, Page 17, Section 221.065, Line 12,
2 by inserting after all of 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. Upon timely receipt of a request for hearing from an obligor, the court or director shall
13 schedule a hearing that complies with due process to determine if suspension of the obligor's license
14 is appropriate considering all relevant factors, including those factors listed in subsection 4 of this
15 section. The court or director shall stay suspension of the license pending the outcome of the
16 hearing.

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

21 (1) The identity of the obligor;

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

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

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

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

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

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

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

33 (c) A requirement for employment;

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

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

36 (9) Whether the obligor has engaged in job search and job readiness assistance, including

Action Taken _____ Date _____

1 utilization of the state employment database website;

2 (10) Whether the obligor has a physical or mental impairment affecting his or her capacity
3 to work; and

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

6 5. If the court or director, after the hearing, determines that the obligor has failed to comply
7 with the child support payment obligation and an arrearage exists in excess of two thousand five
8 hundred dollars for good cause, then the court or director shall not issue an order suspending the
9 obligor's license and ordering the obligor to refrain from engaging in the licensed activity or, if an
10 order is in place, shall stay such order. Good cause may include loss of employment, excluding
11 voluntarily quitting or a dismissal due to poor job performance or failure to meet a condition of
12 employment; catastrophic illness or accident of the obligor or a family member; severe inclement
13 weather, including a natural disaster; or the obligor experiences a family emergency or other life-
14 changing event, including divorce or domestic violence.

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

19 ~~[6.]~~ 7. The court or division shall send a copy of the order suspending a license to the
20 licensing authority and the obligor by certified mail.

21 ~~[7.]~~ 8. The determination of the director, after a hearing pursuant to this section, shall be a
22 final agency decision and shall be subject to judicial review pursuant to chapter 536. Administrative
23 hearings held pursuant to this section shall be conducted by hearing officers appointed by the
24 director of the department pursuant to subsection 1 of section 454.475.

25 ~~[8.]~~ 9. A determination made by the court or division pursuant to this section is independent
26 of any proceeding of the licensing authority to suspend, revoke, deny, terminate or renew a license.";
27 and

28
29 Further amend said bill by amending the title, enacting clause, and intersectional references
30 accordingly.