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HOUSE BILL 1202

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Patterson, Thibaudeau, Wolfe and Conway; by request of Governor Lowry

Read first time 01/17/95. Referred to Committee on Law and Justice.

1 AN ACT Relating to the suspension of driver's licenses for failure  
2 to pay child support; adding a new section to chapter 74.20A RCW; and  
3 adding new sections to chapter 46.20 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.20A RCW  
6 to read as follows:

7 (1) The department may serve a notice upon a responsible parent  
8 informing that parent of the department's intent to certify the parent  
9 to the department of licensing as an individual who is not in  
10 compliance with a child support order. "Noncompliance with a child  
11 support order" means cases where arrears totaling three or more months  
12 of current support have accumulated since the entry of the order and  
13 the responsible parent has not made arrangements satisfactory to the  
14 division of child support to pay current support and retire the  
15 arrears. The notice shall be served personally, or by any form of mail  
16 requiring a return receipt. The notice shall inform the responsible  
17 parent that:

18 (a) The parent may contest the issue of compliance at an  
19 adjudicative proceeding pursuant to chapter 34.05 RCW;

1 (b) A request for an adjudicative proceeding shall be in writing  
2 and must be received by the department within twenty days of the date  
3 of service;

4 (c) If the parent requests an adjudicative proceeding within twenty  
5 days of the date of service, the department shall stay action to  
6 certify the parent to the department of licensing pending the outcome  
7 of the adjudicative proceeding;

8 (d) The department shall certify the parent to the department of  
9 licensing for noncompliance with a child support order unless the  
10 parent, within twenty days of the date the notice is served:

11 (i) Requests an adjudicative proceeding to contest the issue of  
12 noncompliance; or

13 (ii) Makes arrangements, satisfactory to the department, to pay  
14 current support and retire the past-due child support debt;

15 (e) If the department certifies the parent to the department of  
16 licensing, the department of licensing shall suspend the parent's  
17 driver's license;

18 (f) If the parent requests an adjudicative proceeding, the parent  
19 shall direct the request to the division of child support field office  
20 that is responsible for handling the parent's case; and

21 (g) If the parent files an action to modify support with the  
22 appropriate judicial or administrative forum that issued the order, the  
23 department shall, for up to one hundred eighty days, stay action to  
24 certify the parent to the department of licensing for noncompliance  
25 with a child support order.

26 (2) The notice shall include the address and telephone number of  
27 the division of child support field office that issues the notice, a  
28 copy of the responsible parent's child support order, and the amount of  
29 the delinquency.

30 (3) A responsible parent may request an adjudicative proceeding  
31 within twenty days of the date the notice is served. The request for  
32 adjudicative proceeding shall be in writing and include the responsible  
33 parent's current address. The adjudicative proceeding will be  
34 conducted in accordance with the procedures in chapter 34.05 RCW and  
35 the rules of the department. The issues that may be considered at an  
36 adjudicative proceeding under this section are limited to whether the  
37 parent is required to pay child support under a child support order and  
38 whether the parent is in compliance with that order.

1 (4) The decision resulting from the adjudicative proceeding shall  
2 be in writing and inform the responsible parent of all rights to  
3 review. The responsible parent's copy of any order resulting from the  
4 adjudicative proceeding may be sent to the parent by regular mail.

5 (5) If a responsible parent timely requests an adjudicative  
6 proceeding to contest the issue of compliance with the child support  
7 order, the department may not certify the name of the parent to the  
8 department of licensing unless the adjudicative proceeding process  
9 results in a finding that the parent is not in compliance with the  
10 child support order.

11 (6) If a responsible parent fails to respond timely to the original  
12 notice, the department shall issue a second notice to the parent. The  
13 second notice shall advise the parent that the department shall, ninety  
14 days from the date of the second notice, certify the parent to the  
15 department of licensing for noncompliance with a child support order  
16 unless the parent makes arrangements satisfactory to the division of  
17 child support to pay current support and retire the delinquency under  
18 the child support order. This second notice shall be sent by regular  
19 mail and the parent may not contest this second notice by requesting an  
20 adjudicative proceeding.

21 (7) The department may certify in writing, or by electronic  
22 transfer, to the department of licensing that a responsible parent is  
23 not in compliance with a child support order if:

24 (a) The parent does not timely request an adjudicative proceeding  
25 upon service of a notice issued under this section and is not in  
26 compliance with a child support order twenty-one days after service of  
27 the notice;

28 (b) Within twenty days of receiving the notice under this section  
29 the parent fails to make arrangements satisfactory to the division of  
30 child support to pay current support and retire the delinquency under  
31 the child support order; or

32 (c) The parent timely requests an adjudicative proceeding that  
33 results in a final order that the parent is not in compliance with a  
34 child support order.

35 The department shall send by regular mail a copy of any  
36 certification of noncompliance filed with the department of licensing  
37 to the responsible parent at the parent's last known address.

38 (8) The department shall release certifications of noncompliance  
39 previously filed with the department of licensing when the parent is in

1 compliance with the child support order or makes satisfactory  
2 arrangements with the division of child support to retire any  
3 delinquency under the order. The department shall issue such releases  
4 to the department of licensing in writing, or by electronic transfer.  
5 The department shall send the parent a copy of the release by regular  
6 mail.

7 (9) Nothing in this section prohibits a responsible parent from  
8 filing an action with the appropriate forum to modify the child support  
9 order. The department shall, for up to one hundred eighty days, stay  
10 action to certify the parent to the department of licensing for  
11 noncompliance with a child support order if the parent files an action  
12 to modify the order.

13 (10) The department shall adopt rules to implement and enforce the  
14 requirements of this section.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.20 RCW  
16 to read as follows:

17 In addition to other qualifications and conditions established  
18 under this chapter, the right of an individual to hold a driver's  
19 license issued by the department is subject to the requirements of  
20 section 1 of this act.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.20 RCW  
22 to read as follows:

23 Within thirty days of the department's receipt of a written notice  
24 from the department of social and health services as provided under  
25 chapter 74.20A RCW, stating that a child support obligor who operates  
26 a motor vehicle is not in compliance with a child support order, the  
27 department shall suspend the obligor's driver's license. The  
28 department may not reinstate a license suspended for noncompliance with  
29 a child support order until authorized by the secretary of the  
30 department of social and health services, or his or her authorized  
31 representative.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.20 RCW  
33 to read as follows:

34 Upon suspending an individual's driver's license under section 3 of  
35 this act, the department shall notify the individual of the suspension.  
36 The notice of suspension shall specify the reason for, and the

1 effective date of, the suspension. The notice of suspension shall  
2 inform the individual that in order to apply for reinstatement, the  
3 individual shall obtain written authorization from the department of  
4 social and health services. The notice of suspension shall inform the  
5 individual of the right to petition for judicial review of the notice  
6 of suspension in superior court within thirty days of receipt of the  
7 notice. The department shall send a copy of the notice of suspension  
8 to the department of social and health services.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.20 RCW  
10 to read as follows:

11 Upon receipt of a release of certification issued by the department  
12 of social and health services, and at the request of an individual  
13 whose driver's license has been suspended under section 3 of this act,  
14 the department shall reissue the individual's driver's license provided  
15 the individual is otherwise eligible under this chapter to obtain a  
16 driver's license.

17 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.20 RCW  
18 to read as follows:

19 The department of social and health services and the department of  
20 licensing may enter into an interagency agreement to carry out the  
21 requirements of this act (chapter ..., Laws of 1995).

22 NEW SECTION. **Sec. 7.** A new section is added to chapter 46.20 RCW  
23 to read as follows:

24 The department of social and health services shall indemnify the  
25 department for reasonable legal expenses incurred in defending the  
26 department's actions to comply with the requirements in sections 1  
27 through 5 of this act.

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