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**HOUSE BILL 1141**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Manweller and Pettigrew

AN ACT Relating to a restricted driver's license for persons who fail to comply with a child support order; and amending RCW 74.20A.320 and 46.20.291.

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

**Sec.**  RCW 74.20A.320 and 2009 c 408 s 1 are each amended to read as follows:

(1) The department may serve upon a responsible parent a notice informing the responsible parent of the department's intent to submit the parent's name to the department of licensing and any appropriate licensing entity as a licensee who is not in compliance with a child support order. The department shall attach a copy of the responsible parent's child support order to the notice. Service of the notice must be by certified mail, return receipt requested. If service by certified mail is not successful, service shall be by personal service.

(2) The notice of noncompliance must include the following information:

(a) The address and telephone number of the department's division of child support office that issued the notice;

(b) That in order to prevent the department from certifying the parent's name to the department of licensing or any other licensing entity, the parent has twenty days from receipt of the notice to contact the department and:

(i) Pay the overdue support amount in full;

(ii) Request an adjudicative proceeding as provided in RCW 74.20A.322;

(iii) Agree to a payment schedule with the department as provided in RCW 74.20A.326; or

(iv) File an action to modify the child support order with the appropriate court or administrative forum, in which case the department will stay the certification process up to six months;

(c) That failure to contact the department within twenty days of receipt of the notice will result in certification of the responsible parent's name to the department of licensing and any other appropriate licensing entity for noncompliance with a child support order. Upon receipt of the notice:

(i)(A) The department of licensing shall suspend the parent's driver's license and issue a restricted license for a period of ninety days. The restricted license must permit the parent to drive to and from his or her place of employment, drive to perform duties in the course of his or her employment, and drive during any period of time in which he or she has custody of his or her child or children pursuant to a parenting plan, including to pick up or drop off a child or children at a day care, school, custodial exchange, or health care or religious activity;

(B) After receiving notice of the issuance of a restricted license, the parent may work with the department for a period of thirty days to reach an agreement by which his or her driver's license will be reinstated;

(C) A parent who is unable to reach agreement with the department for reinstatement of his or her license is entitled to a hearing in front of an administrative law judge to determine whether the continued suspension will create an undue hardship or interfere with the parent's ability to comply with a child support order or perform typical parental functions and duties. If the administrative law judge finds that continued suspension of the parent's driver's license will create undue hardship or interference, the department of licensing shall extend the parent's restricted license to drive until the parent is in compliance with the child support order. If no undue hardship or interference is found, the restricted driver's license must expire as scheduled. In making this determination, the administrative law judge shall consider, among other factors:

(I) Availability of public transportation near the parent's place of residence including consideration of transportation options to and from the parent's work, and how available transportation options affect the parent's obligations to children, medical requirements, and ability to comply with court-ordered obligations; and

(II) Any other responsibilities the obligor may have to children or other dependents;

(D) Upon expiration of the restricted license, the parent's driver's license must remain in a suspended status until the parent provides the department of licensing with a release from the department stating that the responsible parent is in compliance with the child support order;

(ii) The licensing entity, other than the department of licensing, will suspend or not renew the parent's license ((~~and the department of licensing will suspend or not renew any driver's license that the parent holds~~)) until the parent provides ((~~the department of licensing and~~)) the licensing entity with a release from the department stating that the responsible parent is in compliance with the child support order;

((~~(ii)~~)) (iii) The department of fish and wildlife will suspend a fishing license, hunting license, occupational licenses, such as a commercial fishing license, or any other license issued under chapter 77.32 RCW that the responsible parent may possess, and suspension of a license by the department of fish and wildlife may also affect the parent's ability to obtain permits, such as special hunting permits, issued by the department. Notice from the department of licensing that a responsible parent's driver's license has been suspended shall serve as notice of the suspension of a license issued under chapter 77.32 RCW;

(d) That suspension of a license will affect insurability if the responsible parent's insurance policy excludes coverage for acts occurring after the suspension of a license;

(e) If the responsible parent subsequently comes into compliance with the child support order, the department will promptly provide the parent and the appropriate licensing entities with a release stating that the parent is in compliance with the order.

(3) When a responsible parent who is served notice under subsection (1) of this section subsequently complies with the child support order, a copy of a release stating that the responsible parent is in compliance with the order shall be transmitted by the department to the appropriate licensing entities.

(4) The department of licensing and a licensing entity may renew, reinstate, or otherwise extend a license in accordance with the licensing entity's or the department of licensing's rules after the licensing entity or the department of licensing receives a copy of the release specified in subsection (3) of this section. The department of licensing and a licensing entity may waive any applicable requirement for reissuance, renewal, or other extension if it determines that the imposition of that requirement places an undue burden on the person and that waiver of the requirement is consistent with the public interest.

**Sec.**  RCW 46.20.291 and 2016 c 203 s 5 are each amended to read as follows:

The department is authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

(1) Has committed an offense for which mandatory revocation or suspension of license is provided by law;

(2) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage;

(3) Has been convicted of offenses against traffic regulations governing the movement of vehicles, or found to have committed traffic infractions, with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways;

(4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

(5) Has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction, criminal complaint, or citation, as provided in RCW 46.20.289;

(6) Is subject to suspension under RCW 46.20.305 or 9A.56.078;

(7) Has committed one of the prohibited practices relating to drivers' licenses defined in RCW 46.20.0921; or

(8) Has been certified by the department of social and health services as a person who is not in compliance with a child support order ((~~or a residential or visitation order~~)) as provided in RCW 74.20A.320. Upon suspension of the person's driver's license, the department shall issue a restricted driver's license for a period of ninety days that permits the person to drive: (a) To and from his or her place of employment; (b) in order to perform duties in the course of his or her employment; and (c) during any period of time in which he or she has custody of his or her child or children pursuant to a parenting plan, including to pick up or drop off a child or children at a day care, school, custodial exchange, or health care or religious activity. If the person provides the department with an order from an administrative law judge finding that continued suspension of the person's driver's license will create undue hardship or interference as provided in RCW 74.20A.320, the department shall extend the person's restricted license to drive until the department receives a release from the department of social and health services stating that the person is in compliance with the child support order.

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