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SENATE BILL 5591

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State of Washington

65th Legislature

2017 Regular Session

By Senators O'Ban and Darneille; by request of Department of Social and Health Services

Read first time 01/30/17. Referred to Committee on Law & Justice.

1 AN ACT Relating to creating efficiencies regarding requirements  
2 for license withholding and suspension for noncompliance with a child  
3 support order; amending RCW 74.20A.320; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that, in order  
6 to comply with federal requirements under Title IV-D of the federal  
7 social security act, it is necessary to provide to the department of  
8 social and health services division of child support the authority to  
9 withhold, restrict, or suspend drivers' licenses, professional or  
10 occupational licenses, and recreational or sporting licenses of  
11 individuals who owe overdue child support.

12 (2) Nearly every year, bills introduced in the legislature  
13 propose new licenses and licensing requirements. If a bill does not  
14 contain the federally required authority to withhold, restrict, or  
15 suspend certain licenses, the department of social and health  
16 services and legislative staff must work with the bill sponsor and  
17 the appropriate legislative committee to make sure that the bill is  
18 amended to add the federally required authority before adoption. The  
19 legislature finds that this is not an efficient use of our limited  
20 state resources.

1 (3) To address this problem, the legislature intends to adopt a  
2 statute which provides that any agency of the state of Washington  
3 which issues drivers' licenses, professional or occupational  
4 licenses, or recreational or sporting licenses must withhold,  
5 restrict, or suspend the license of a responsible parent when the  
6 department of social and health services certifies that parent's name  
7 as being a licensee who is not in compliance with a child support  
8 order under RCW 74.20A.320.

9 **Sec. 2.** RCW 74.20A.320 and 2009 c 408 s 1 are each amended to  
10 read as follows:

11 (1) The department may serve upon a responsible parent a notice  
12 informing the responsible parent of the department's intent to submit  
13 the parent's name to the department of licensing and any appropriate  
14 licensing entity responsible for issuing or renewing drivers'  
15 licenses, professional or occupational licenses, or recreational or  
16 sporting licenses as a licensee who is not in compliance with a child  
17 support order. The department shall attach a copy of the responsible  
18 parent's child support order to the notice. Service of the notice  
19 must be by certified mail, return receipt requested. If service by  
20 certified mail is not successful, service shall be by personal  
21 service.

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

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

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

30 (i) Pay the overdue support amount in full;

31 (ii) Request an adjudicative proceeding as provided in RCW  
32 74.20A.322;

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

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

38 (c) That failure to contact the department within twenty days of  
39 receipt of the notice will result in certification of the responsible

1 parent's name to the department of licensing and any other  
2 appropriate licensing entity for noncompliance with a child support  
3 order. Upon receipt of the notice:

4 (i) The licensing entity will suspend or not renew the parent's  
5 license and the department of licensing will suspend or not renew any  
6 driver's license that the parent holds until the parent provides the  
7 department of licensing and the licensing entity with a release from  
8 the department stating that the responsible parent is in compliance  
9 with the child support order;

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

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

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

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

32 (4) The department of licensing and a licensing entity may renew,  
33 reinstate, or otherwise extend a license in accordance with the  
34 licensing entity's or the department of licensing's rules after the  
35 licensing entity or the department of licensing receives a copy of  
36 the release specified in subsection (3) of this section. The  
37 department of licensing and a licensing entity may waive any  
38 applicable requirement for reissuance, renewal, or other extension if  
39 it determines that the imposition of that requirement places an undue

1 burden on the person and that waiver of the requirement is consistent  
2 with the public interest.

3 (5)(a) Any agency of the state of Washington that issues drivers'  
4 licenses, professional or occupational licenses, or recreational or  
5 sporting licenses must withhold, restrict, or suspend the license of  
6 a responsible parent when the department certifies that parent's name  
7 as being a licensee who is not in compliance with a child support  
8 order under this section.

9 (b) The requirement in (a) of this subsection applies to all  
10 state licensing entities regardless of whether there is a separate  
11 agency statute on the same subject.

12 (c) This section applies only to state agencies and not to county  
13 or city entities that issue licenses.

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