Z-0069.2

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5591**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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

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

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

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

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

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

**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 responsible for issuing or renewing drivers' licenses, professional or occupational licenses, or recreational or sporting licenses 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) The licensing entity 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) 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.

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

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

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

**--- END ---**