

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1129 Session of
1997

INTRODUCED BY C. WILLIAMS, THOMAS, YOUNGBLOOD, LEDERER, BELARDI,
ROONEY, WALKO, CURRY, MUNDY, BLAUM, CALTAGIRONE, STABACK,
PLATTS, BOSCOLA, ROBINSON, BROWNE, READSHAW, BEBKO-JONES,
BARRAR, COY, KENNEY, WASHINGTON, LAUGHLIN, E. Z. TAYLOR,
MANDERINO, ROEBUCK, COWELL, JOSEPHS, BARD, PESCI, MELIO,
McCALL, RAMOS AND STEELMAN, APRIL 2, 1997

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 2, 1997

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, providing for sanctions on driver's
3 licenses and vehicle registrations against support
4 delinquents.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 23 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 4356. Denial or suspension of a driver's license or motor
10 vehicle registration.

11 (a) General rule.--Where the domestic relations section has
12 been unable to attach the income of an obligor pursuant to
13 section 4348 (relating to attachment of income) and the obligor
14 owes support in an amount equal to or greater than three months
15 of the monthly support obligation, the court shall issue an
16 order directing the Department of Transportation to:

17 (1) prohibit the issuance or renewal of all classes of

1 motor vehicle operator's licenses and registrations of the
2 obligor; or

3 (2) require the suspension of all classes of motor
4 vehicle operator's licenses and registrations of the obligor.

5 (b) Notice to obligor.--

6 (1) Prior to the issuance of an order to suspend,
7 nonrenew or deny motor vehicle operator's licenses and
8 registrations, the court shall send written notice to the
9 obligor. The notice shall specify:

10 (i) The amount of arrears owed.

11 (ii) How, when and where the notice may be
12 contested.

13 (iii) That the grounds for contesting the notice
14 shall be limited to mistakes of fact. Mistakes of fact
15 shall be limited to errors in the amount of arrears owed
16 or mistaken identity of the obligor.

17 (iv) That an order to the department to
18 automatically suspend, nonrenew or deny the license will
19 occur in all cases 30 days after issuance of the notice
20 unless the arrearage is paid or a periodic payment
21 schedule is approved by the court.

22 (c) Order.--

23 (1) Thirty days after the issuance of the notice, if the
24 obligor has not paid the arrearage or entered into a court-
25 approved periodic payment schedule, the court shall issue an
26 order to the department to suspend or deny the issuance or
27 renewal of all motor vehicle operator's licenses and
28 registrations. Upon receipt, the department shall immediately
29 comply with that order.

30 (2) An order providing for a periodic payment schedule

1 shall also provide that failure to comply with the schedule
2 shall result in the immediate suspension, nonrenewal or
3 denial of the obligor's motor vehicle licenses and
4 registrations. This order may include a requirement that the
5 obligor's motor vehicle operator's license be suspended and
6 the obligor receive only an occupational limited license from
7 the department if the obligor qualifies for one until the
8 arrearage is satisfied or until the court issues an order
9 removing the suspension of driving privileges. Only those
10 obligors who have a periodic payment schedule approved by the
11 court may qualify for an occupational limited license. The
12 obligor must meet and follow requirements set forth in 75
13 Pa.C.S. § 1553 (relating to occupational limited license) in
14 applying and using an occupational limited license.

15 (3) To contest the order, the obligor must appear before
16 the domestic relations section not later than ten days after
17 issuance of the order. The grounds for contesting shall be
18 limited to mistakes of fact. If as determined by the domestic
19 relations section a mistake of fact has occurred, the action
20 shall be modified accordingly within ten days.

21 (4) Upon receiving an order, the department shall send a
22 notice to the obligor of the order of the court for
23 suspension, nonrenewal or denial of motor vehicle operator's
24 licenses and registrations. The notice shall clearly state
25 the reasons and statutory grounds for the suspension,
26 nonrenewal or denial and the mailing address for the court
27 that issued the order. It may include any other notices
28 prescribed by the department or the court. The department
29 shall develop the form and content of this notice. The notice
30 shall include requirements for the obligor to return all

suspended driver's licenses, vehicle registrations and
registration plates to the department.

(5) Within 30 days of receiving a notice that a
registration has been suspended, the obligor shall return the
vehicle's license plates to the department unless the
arrearage is paid or a periodic payment schedule is approved
by the court.

(d) Reinstatement or issuance of license and registration.--

Where the court has issued an order pursuant to subsection (c)
and the obligor has satisfied the arrearage, the court shall
order the department to reinstate or issue the licenses or
registrations immediately, provided that the obligor meets any
and all other requirements for issuance or reinstatement. The
department shall have ten days to return all driver's licenses,
vehicle registrations and registration plates to the obligor.

(e) Definitions.--As used in this section, the following
words and phrases shall have the meanings given to them in this
subsection:

"Department." The Department of Transportation of the
Commonwealth.

"Motor vehicle operator's license." A license or permit to
drive a motor vehicle issued under 75 Pa.C.S. (relating to
vehicles).

"Occupational limited license." A license issued under 75
Pa.C.S. § 1553 (relating to occupational limited license).

"Registration." The authority for a vehicle to operate on a
highway as evidence by the issuance of an identifying card and
registration plate.

"Suspend." To withdraw temporarily by formal action of the
department any license, registration or privilege issued or

1 granted by the department.

2 Section 2. This act shall take effect in 60 days.