

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 883 Session of  
1995

INTRODUCED BY RUDY, E. Z. TAYLOR, COY, WASHINGTON, MERRY,  
LEVDANSKY, BOSCOLA, YOUNGBLOOD, FEESE, COLAIZZO, JAROLIN,  
BELARDI, MELIO, McCALL, BATTISTO, ARGALL, READSHAW, MUNDY,  
COWELL, LAUGHLIN, WALKO, LEDERER, TRICH AND THOMAS,  
FEBRUARY 27, 1995

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 27, 1995

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  
19 domestic relations section, a mistake of fact has occurred,  
20 the action 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.