

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1412

 Session of 1997

INTRODUCED BY CIVERA, FICHTER, BARRAR, KIRKLAND, GEIST, JAMES, SERAFINI, TRICH, DALEY, TRELLO, DeLUCA, CORPORA, HARHART, YOUNGBLOOD, COY, THOMAS, PRESTON, BENNINGHOFF, J. TAYLOR, C. WILLIAMS, ROONEY, L. I. COHEN, MICOZZIE, FLICK, ADOLPH, M. COHEN AND STEELMAN, APRIL 30, 1997

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 21, 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; AND further providing for responsibilities of
5 law enforcement agencies and court-ordered relief. <—

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

8 ~~Section 1. Sections 6105(e) and 6108(a)(7) of Title 23 of~~ <—
9 ~~the Pennsylvania Consolidated Statutes are amended to read:~~

10 SECTION 1. TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED <—

11 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

12 § 4356. DENIAL OR SUSPENSION OF A DRIVER'S LICENSE OR MOTOR
13 VEHICLE REGISTRATION.

14 (A) GENERAL RULE.--WHERE THE DOMESTIC RELATIONS SECTION HAS
15 BEEN UNABLE TO ATTACH THE INCOME OF AN OBLIGOR PURSUANT TO
16 SECTION 4348 (RELATING TO ATTACHMENT OF INCOME) AND THE OBLIGOR
17 OWES SUPPORT IN AN AMOUNT EQUAL TO OR GREATER THAN THREE MONTHS

1 OF THE MONTHLY SUPPORT OBLIGATION, THE COURT SHALL ISSUE AN
2 ORDER DIRECTING THE DEPARTMENT OF TRANSPORTATION TO:

3 (1) PROHIBIT THE ISSUANCE OR RENEWAL OF ALL CLASSES OF
4 MOTOR VEHICLE OPERATOR'S LICENSES AND REGISTRATIONS OF THE
5 OBLIGOR; OR

6 (2) REQUIRE THE SUSPENSION OF ALL CLASSES OF MOTOR
7 VEHICLE OPERATOR'S LICENSES AND REGISTRATIONS OF THE OBLIGOR.

8 (B) NOTICE TO OBLIGOR.--

9 (1) PRIOR TO THE ISSUANCE OF AN ORDER TO SUSPEND,
10 NONRENEW OR DENY MOTOR VEHICLE OPERATOR'S LICENSES AND
11 REGISTRATIONS, THE COURT SHALL SEND WRITTEN NOTICE TO THE
12 OBLIGOR. THE NOTICE SHALL SPECIFY:

13 (I) THE AMOUNT OF ARREARS OWED.

14 (II) HOW, WHEN AND WHERE THE NOTICE MAY BE
15 CONTESTED.

16 (III) THAT THE GROUNDS FOR CONTESTING THE NOTICE
17 SHALL BE LIMITED TO MISTAKES OF FACT. MISTAKES OF FACT
18 SHALL BE LIMITED TO ERRORS IN THE AMOUNT OF ARREARS OWED
19 OR MISTAKEN IDENTITY OF THE OBLIGOR.

20 (IV) THAT AN ORDER TO THE DEPARTMENT TO
21 AUTOMATICALLY SUSPEND, NONRENEW OR DENY THE LICENSE WILL
22 OCCUR IN ALL CASES 30 DAYS AFTER ISSUANCE OF THE NOTICE
23 UNLESS THE ARREARAGE IS PAID OR A PERIODIC PAYMENT
24 SCHEDULE IS APPROVED BY THE COURT.

25 (C) ORDER.--

26 (1) THIRTY DAYS AFTER THE ISSUANCE OF THE NOTICE, IF THE
27 OBLIGOR HAS NOT PAID THE ARREARAGE OR ENTERED INTO A COURT-
28 APPROVED PERIODIC PAYMENT SCHEDULE, THE COURT SHALL ISSUE AN
29 ORDER TO THE DEPARTMENT TO SUSPEND OR DENY THE ISSUANCE OR
30 RENEWAL OF ALL MOTOR VEHICLE OPERATOR'S LICENSES AND

1 REGISTRATIONS. UPON RECEIPT, THE DEPARTMENT SHALL IMMEDIATELY
2 COMPLY WITH THAT ORDER.

3 (2) AN ORDER PROVIDING FOR A PERIODIC PAYMENT SCHEDULE
4 SHALL ALSO PROVIDE THAT FAILURE TO COMPLY WITH THE SCHEDULE
5 SHALL RESULT IN THE IMMEDIATE SUSPENSION, NONRENEWAL OR
6 DENIAL OF THE OBLIGOR'S MOTOR VEHICLE LICENSES AND
7 REGISTRATIONS. THIS ORDER MAY INCLUDE A REQUIREMENT THAT THE
8 OBLIGOR'S MOTOR VEHICLE OPERATOR'S LICENSE BE SUSPENDED AND
9 THE OBLIGOR RECEIVE ONLY AN OCCUPATIONAL LIMITED LICENSE FROM
10 THE DEPARTMENT IF THE OBLIGOR QUALIFIES FOR ONE UNTIL THE
11 ARREARAGE IS SATISFIED OR UNTIL THE COURT ISSUES AN ORDER
12 REMOVING THE SUSPENSION OF DRIVING PRIVILEGES. ONLY THOSE
13 OBLIGORS WHO HAVE A PERIODIC PAYMENT SCHEDULE APPROVED BY THE
14 COURT MAY QUALIFY FOR AN OCCUPATIONAL LIMITED LICENSE. THE
15 OBLIGOR MUST MEET AND FOLLOW REQUIREMENTS SET FORTH IN 75
16 PA.C.S. § 1553 (RELATING TO OCCUPATIONAL LIMITED LICENSE) IN
17 APPLYING AND USING AN OCCUPATIONAL LIMITED LICENSE.

18 (3) TO CONTEST THE ORDER, THE OBLIGOR MUST APPEAR BEFORE
19 THE DOMESTIC RELATIONS SECTION NOT LATER THAN TEN DAYS AFTER
20 ISSUANCE OF THE ORDER. THE GROUNDS FOR CONTESTING SHALL BE
21 LIMITED TO MISTAKES OF FACT. IF AS DETERMINED BY THE DOMESTIC
22 RELATIONS SECTION A MISTAKE OF FACT HAS OCCURRED, THE ACTION
23 SHALL BE MODIFIED ACCORDINGLY WITHIN TEN DAYS.

24 (4) UPON RECEIVING AN ORDER, THE DEPARTMENT SHALL SEND A
25 NOTICE TO THE OBLIGOR OF THE ORDER OF THE COURT FOR
26 SUSPENSION, NONRENEWAL OR DENIAL OF MOTOR VEHICLE OPERATOR'S
27 LICENSES AND REGISTRATIONS. THE NOTICE SHALL CLEARLY STATE
28 THE REASONS AND STATUTORY GROUNDS FOR THE SUSPENSION,
29 NONRENEWAL OR DENIAL AND THE MAILING ADDRESS FOR THE COURT
30 THAT ISSUED THE ORDER. IT MAY INCLUDE ANY OTHER NOTICES

1 PRESCRIBED BY THE DEPARTMENT OR THE COURT. THE DEPARTMENT
2 SHALL DEVELOP THE FORM AND CONTENT OF THIS NOTICE. THE NOTICE
3 SHALL INCLUDE REQUIREMENTS FOR THE OBLIGOR TO RETURN ALL
4 SUSPENDED DRIVER'S LICENSES, VEHICLE REGISTRATIONS AND
5 REGISTRATION PLATES TO THE DEPARTMENT.

6 (5) WITHIN 30 DAYS OF RECEIVING A NOTICE THAT A
7 REGISTRATION HAS BEEN SUSPENDED, THE OBLIGOR SHALL RETURN THE
8 VEHICLE'S LICENSE PLATES TO THE DEPARTMENT UNLESS THE
9 ARREARAGE IS PAID OR A PERIODIC PAYMENT SCHEDULE IS APPROVED
10 BY THE COURT.

11 (D) REINSTATEMENT OR ISSUANCE OF LICENSE AND REGISTRATION.--
12 WHERE THE COURT HAS ISSUED AN ORDER PURSUANT TO SUBSECTION (C)
13 AND THE OBLIGOR HAS SATISFIED THE ARREARAGE, THE COURT SHALL
14 ORDER THE DEPARTMENT TO REINSTATE OR ISSUE THE LICENSES OR
15 REGISTRATIONS IMMEDIATELY, PROVIDED THAT THE OBLIGOR MEETS ANY
16 AND ALL OTHER REQUIREMENTS FOR ISSUANCE OR REINSTATEMENT. THE
17 DEPARTMENT SHALL HAVE TEN DAYS TO RETURN ALL DRIVER'S LICENSES,
18 VEHICLE REGISTRATIONS AND REGISTRATION PLATES TO THE OBLIGOR.

19 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
20 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
21 SUBSECTION:

22 "DEPARTMENT." THE DEPARTMENT OF TRANSPORTATION OF THE
23 COMMONWEALTH.

24 "MOTOR VEHICLE OPERATOR'S LICENSE." A LICENSE OR PERMIT TO
25 DRIVE A MOTOR VEHICLE ISSUED UNDER 75 PA.C.S. (RELATING TO
26 VEHICLES).

27 "OCCUPATIONAL LIMITED LICENSE." A LICENSE ISSUED UNDER 75
28 PA.C.S. § 1553 (RELATING TO OCCUPATIONAL LIMITED LICENSE).

29 "REGISTRATION." THE AUTHORITY FOR A VEHICLE TO OPERATE ON A
30 HIGHWAY AS EVIDENCE BY THE ISSUANCE OF AN IDENTIFYING CARD AND

1 REGISTRATION PLATE.

2 "SUSPEND." TO WITHDRAW TEMPORARILY BY FORMAL ACTION OF THE
3 DEPARTMENT ANY LICENSE, REGISTRATION OR PRIVILEGE ISSUED OR
4 GRANTED BY THE DEPARTMENT.

5 SECTION 2. SECTIONS 6105(E) AND 6108(A)(7) OF TITLE 23 ARE
6 AMENDED TO READ:

7 § 6105. Responsibilities of law enforcement agencies.

8 * * *

9 (e) Statewide registry.--

10 (1) The Pennsylvania State Police shall establish a
11 Statewide registry of protection orders and shall maintain a
12 complete and systematic record and index of all valid
13 temporary and final court orders of protection or court-
14 approved consent agreements. The Statewide registry shall
15 include, but need not be limited to, the following:

16 (i) The names of the plaintiff and any protected
17 parties.

18 (ii) The name and address of the defendant.

19 (iii) The date the order was entered.

20 (iv) The date the order expires.

21 (v) The relief granted under sections 6108(a)(1),
22 (2), (4), (6) and (7) (relating to relief) and 6110(a)
23 (relating to emergency relief by minor judiciary).

24 (vi) The judicial district in which the order was
25 entered.

26 (vii) Where furnished, the Social Security number
27 and date of birth of the defendant.

28 (2) The prothonotary shall send, on a form prescribed by
29 the Pennsylvania State Police, a copy of the protection order
30 or approved consent agreement to the Statewide registry of

1 protection orders so that it is received within 24 hours of
2 the entry of the order. Likewise, amendments to or revocation
3 of an order shall be transmitted by the prothonotary within
4 24 hours of the entry of the order for modification or
5 revocation. The Pennsylvania State Police shall enter orders,
6 amendments and revocations in the Statewide registry of
7 protection orders within eight hours of receipt.

8 (3) The registry of the Pennsylvania State Police shall
9 be available at all times to inform courts, dispatchers and
10 law enforcement officers of any valid protection order
11 involving any defendant.

12 (4) When an order granting relief under section
13 6108(a)(7) has been entered by a court, such information
14 shall be available to the Pennsylvania State Police for the
15 purpose of conducting a criminal history records check in
16 compliance with the applicable provisions of 18 Pa.C.S. Ch.
17 61 Subch. A (relating to Uniform Firearms Act).

18 * * *

19 § 6108. Relief.

20 (a) General rule.--The court may grant any protection order
21 or approve any consent agreement to bring about a cessation of
22 abuse of the plaintiff or minor children. The order or agreement
23 may include:

24 * * *

25 (7) Ordering the defendant to temporarily relinquish to
26 the sheriff the defendant's weapons which have been used or
27 been threatened to be used in an incident of abuse against
28 the plaintiff or the minor children and prohibiting the
29 defendant from acquiring or possessing any other weapons for
30 the duration of the order and requiring the defendant to

1 relinquish to the sheriff any firearm license the defendant
2 may possess. The court's order shall provide for the return
3 of the weapons and any firearm license to the defendant
4 subject to any restrictions and conditions as the court shall
5 deem appropriate to protect the plaintiff or minor children
6 from further abuse through the use of weapons.

7 * * *

8 Section ~~2~~ 3. This act shall take effect in 60 days.

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