

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

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,  
OCTOBER 28, 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. Title 23 of the Pennsylvania Consolidated~~ <—  
9 ~~Statutes is amended by adding a section to read:~~

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

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

~~(1) prohibit the issuance or renewal of all classes of motor vehicle operator's licenses and registrations of the obligor; or~~

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

~~(b) Notice to obligor.~~

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

~~(i) The amount of arrears owed.~~

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

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

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

~~(c) Order.~~

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

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

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

~~(4) Upon receiving an order, the department shall send a notice to the obligor of the order of the court for suspension, nonrenewal or denial of motor vehicle operator's licenses and registrations. The notice shall clearly state the reasons and statutory grounds for the suspension, nonrenewal or denial and the mailing address for the court that issued the order. It may include any other notices prescribed by the department or the court. The department shall develop the form and content of this notice. The notice~~

~~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~~

1 ~~department any license, registration or privilege issued or~~  
2 ~~granted by the department.~~

3 ~~Section 2. Sections 6105(e) and 6108(a)(7) of Title 23 are~~

4 SECTION 1. SECTIONS 6105(E) AND 6108(A)(7) OF TITLE 23 OF <—  
5 THE PENNSYLVANIA CONSOLIDATED STATUTES are amended to read:

6 § 6105. Responsibilities of law enforcement agencies.

7 \* \* \*

8 (e) Statewide registry.--

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

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

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

18 (iii) The date the order was entered.

19 (iv) The date the order expires.

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

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

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

27 (2) The prothonotary shall send, on a form prescribed by  
28 the Pennsylvania State Police, a copy of the protection order  
29 or approved consent agreement to the Statewide registry of  
30 protection orders so that it is received within 24 hours of

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

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

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

17 \* \* \*

18 § 6108. Relief.

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

23 \* \* \*

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

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

6             \* \* \*

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

<—