

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 226 Session of 2019

INTRODUCED BY KENYATTA, JANUARY 28, 2019

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 28, 2019

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
 2 Consolidated Statutes, in support matters generally, further
 3 providing for denial or suspension of licenses.

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

6 Section 1. Section 4355(a), (d.1), (d.6) and (e) of Title 23
 7 of the Pennsylvania Consolidated Statutes are amended to read:
 8 § 4355. Denial or suspension of licenses.

9 (a) General rule.--[Except as provided in subsection (d.1),
 10 where] Where the domestic relations section or the department
 11 has been unable to attach the income of an obligor and the
 12 obligor owes support in an amount equal to or greater than three
 13 months of the monthly support obligation or where an individual
 14 has failed to comply with a visitation or partial custody order
 15 pursuant to section [4346 (relating to contempt for
 16 noncompliance with visitation or partial custody order)] 5323(g)
 17 (relating to award of custody) or an individual has failed,
 18 after appropriate notice, to comply with subpoenas or warrants
 19 relating to paternity or child support proceedings, the court,

1 the domestic relations section or the department shall issue an
2 order directing any licensing authority to:

3 (1) prohibit the issuance or renewal of a license of the
4 obligor or other individual; or

5 (2) require the suspension of the license of the obligor
6 or other individual.

7 * * *

8 [(d.1) Special procedures for operating privilege.--

9 (1) Where the domestic relations section or the
10 department has been unable to attach the income of an obligor
11 and the obligor owes support in an amount equal to or greater
12 than three months of the monthly support obligation or where
13 an individual has failed, after appropriate notice, to comply
14 with subpoenas or warrants relating to paternity or child
15 support proceedings, the court, the domestic relations
16 section or the department may issue an order directing the
17 Department of Transportation to:

18 (i) prohibit the issuance or renewal of a license of
19 the obligor or other individual; or

20 (ii) require the suspension of the license of the
21 obligor or other individual.

22 (2) Prior to the issuance of an order to suspend,
23 nonrenew or deny a license, the obligor or other individual
24 shall be given advance notice. The notice shall specify:

25 (i) The amount of arrears owed, if applicable.

26 (ii) How, when and where the notice can be
27 contested.

28 (iii) That the grounds for contesting the notice
29 shall be limited to mistakes of fact. Mistakes of fact
30 shall be limited to errors in the amount of arrears owed

1 or mistaken identity of the obligor.

2 (iv) That an order to the Department of
3 Transportation to automatically suspend, nonrenew or deny
4 the license will occur in all cases 30 days after
5 issuance of the notice unless the arrearage is paid, a
6 periodic payment schedule is approved by the court or the
7 individual is excused from the failure to comply with the
8 warrant or subpoena.

9 (3) Any order issued to the Department of Transportation
10 pursuant to this section shall be issued as agreed upon by
11 the department and the Department of Transportation. The
12 order may be transmitted electronically or by other methods.

13 (4) Upon receipt of an order or directive from a court,
14 the domestic relations section or the department authorizing
15 the Department of Transportation to suspend the operating
16 privilege of an obligor or other individual, the Department
17 of Transportation shall immediately suspend the operating
18 privilege of that obligor or other individual. Upon receipt
19 of an order from the court or the domestic relations section
20 or a directive from the department authorizing the Department
21 of Transportation to restore the operating privilege of an
22 obligor or other individual, the Department of Transportation
23 shall immediately restore the operating privilege of that
24 obligor or other individual if the person complies with the
25 provisions of 75 Pa.C.S. § 1960 (relating to reinstatement of
26 operating privilege or vehicle registration).

27 (5) An insurer may not increase premiums, impose a
28 surcharge or rate penalty, make a driver record point
29 assignment for automobile insurance or cancel or refuse to
30 renew an automobile insurance policy on account of a

1 suspension under this section.

2 (6) There shall be no right to appeal from a suspension
3 under this section pursuant to 75 Pa.C.S. § 1550 (relating to
4 judicial review). Subject to section 4377(c) (relating to
5 power to expedite support cases), the sole remedy shall be to
6 petition the court which entered the underlying support order
7 resulting in the suspension, revocation or refusal to issue
8 or renew the license.]

9 * * *

10 (d.6) Immunity.--The court, the domestic relations section,
11 the Department of [Public Welfare, the Department of
12 Transportation] Human Services, the Pennsylvania Game
13 Commission, the Pennsylvania Fish and Boat Commission or any
14 employee of any of these entities or any person appointed by the
15 Pennsylvania Game Commission or the Pennsylvania Fish and Boat
16 Commission to issue licenses and permits pursuant to the
17 applicable provisions of 30 Pa.C.S. (relating to fish) and 34
18 Pa.C.S. (relating to game) shall not be subject to civil or
19 criminal liability for carrying out their duties under this
20 section.

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

24 "License." A license, certificate, permit or other
25 authorization to[:

26 (1)] engage in a profession, trade or business in this
27 Commonwealth or a political subdivision or agency thereof[;
28 or

29 (2) operate a motor vehicle for personal or commercial
30 purposes].

1 "Licensing authority." Any entity of the Commonwealth,
2 political subdivision or agency thereof which issues a license.

3 ["Operating privilege." The privilege to apply for and
4 obtain a license to use as well as the privilege to use a
5 vehicle on a highway as authorized under Title 75 (relating to
6 vehicles).]

7 "Recreational license." A hunting or fishing license.

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