

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 762, Page 20, Section 307.350, Line 74,

2 by inserting after all of said line the following:

3 "454.1005. 1. To show cause why suspension of a  
4 license may not be appropriate, the obligor shall request a  
5 hearing from the court or division that issued the notice of  
6 intent to suspend the license. The request shall be made  
7 within sixty days of the date of service of notice.

8 2. If an obligor fails to respond, without good cause,  
9 to a notice of intent to suspend a license [,] or to timely  
10 request a hearing or comply with a payment plan, [the  
11 obligor's defenses and objections shall be considered to be  
12 without merit and] the court or director may enter an order  
13 suspending the obligor's license and ordering the obligor to  
14 refrain from engaging in the licensed activity.

15 3. Upon timely receipt of a request for hearing from  
16 an obligor, the court or director shall schedule a hearing  
17 that complies with due process to determine if suspension of  
18 the obligor's license is appropriate considering all  
19 relevant factors, including those factors listed in  
20 subsection 4 of this section. The court or director shall  
21 stay suspension of the license pending the outcome of the  
22 hearing.

23 4. [If the action involves an arrearage, the only  
24 issues that may be determined in a hearing pursuant to this  
25 section are] In determining whether the license suspension  
26 is appropriate under the circumstances, the court or

27 director shall consider and issue written findings of fact  
28 and conclusions of law within thirty days following the  
29 hearing regarding the following:

30 (1) The identity of the obligor;

31 (2) Whether the arrearage is in an amount greater than  
32 or equal to three months of support payments or two thousand  
33 five hundred dollars, whichever is less, by the date of  
34 service of a notice of intent to suspend; [and]

35 (3) Whether the obligor has entered a payment plan.  
36 If the action involves a failure to comply with a subpoena  
37 or order, the only issues that may be determined are the  
38 identity of the obligor and whether the obligor has complied  
39 with the subpoena or order;

40 (4) Whether the obligor had the ability to make the  
41 payments that are in arrearage;

42 (5) Whether the obligor has the current ability to  
43 make the payments;

44 (6) The reasons the obligor needs the license,  
45 including, but not limited to:

46 (a) Transportation of family members to and from work,  
47 school, or medical treatment;

48 (b) Transportation of the obligor or family members to  
49 extra curricular activities; or

50 (c) A requirement for employment;

51 (7) Whether the obligor is unemployed or underemployed;

52 (8) Whether the obligor is actively seeking employment;

53 (9) Whether the obligor has engaged in job search and  
54 job readiness assistance, including utilization of the state  
55 employment database website;

56 (10) Whether the obligor has a physical or mental  
57 impairment affecting his or her capacity to work; and

58 (11) Any other relevant factors that affect the  
59 obligor's ability to make the child support payments.

60           5. If the court or director, after the hearing,  
61 determines that the obligor has failed to comply with the  
62 child support payment obligation and an arrearage exists in  
63 excess of two thousand five hundred dollars for good cause,  
64 then the court or director shall not issue an order  
65 suspending the obligor's license and ordering the obligor to  
66 refrain from engaging in the licensed activity or, if an  
67 order is in place, shall stay such order. Good cause may  
68 include loss of employment, excluding voluntarily quitting  
69 or a dismissal due to poor job performance or failure to  
70 meet a condition of employment; catastrophic illness or  
71 accident of the obligor or a family member; severe inclement  
72 weather, including a natural disaster; or the obligor  
73 experiences a family emergency or other life-changing event,  
74 including divorce or domestic violence.

75           6. If the court or director, after hearing, determines  
76 that the obligor has failed, without good cause, to comply  
77 with any of the requirements in subsection 4 of this  
78 section, the court or director shall issue an order  
79 suspending the obligor's license and ordering the obligor to  
80 refrain from engaging in the licensed activity.

81           [6.] 7. The court or division shall send a copy of the  
82 order suspending a license to the licensing authority and  
83 the obligor by certified mail.

84           [7.] 8. The determination of the director, after a  
85 hearing pursuant to this section, shall be a final agency  
86 decision and shall be subject to judicial review pursuant to  
87 chapter 536. Administrative hearings held pursuant to this  
88 section shall be conducted by hearing officers appointed by  
89 the director of the department pursuant to subsection 1 of  
90 section 454.475.

91           [8.] 9. A determination made by the court or division  
92 pursuant to this section is independent of any proceeding of

93 the licensing authority to suspend, revoke, deny, terminate  
94 or renew a license."; and

95 Further amend the title and enacting clause accordingly.