

Regular Session, 2012

HOUSE BILL NO. 840

BY REPRESENTATIVE THOMPSON

CHILDREN/SUPPORT: Provides relative to suspension of licenses for failure to pay child support obligations

1 AN ACT

2 To amend and reenact R.S. 9:315.33(C) and 315.35 and to enact R.S. 9:315.37, relative to
3 the suspension of licenses for failure to pay child support; to provide for continued
4 jurisdiction of the court; to provide for conflicts; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:315.33(C) and 315.35 are hereby amended and reenacted and R.S.
7 9:315.37 is hereby enacted to read as follows:

8 §315.33. Suspension of license; notice of suspension from licensing board;
9 temporary license

10 * * *

11 C. Upon being presented with a court order of partial compliance and at the
12 request of an obligor whose motor vehicle operator's license, permit, or privilege has
13 been suspended under this Subpart, the office of motor vehicles ~~may~~ shall issue the
14 obligor a temporary license valid for a period not to exceed one hundred twenty days
15 or for such other period as the court orders, provided no other cause for suspension
16 of the license exists.

17 * * *

18 §315.35. Reissuance of license

19 A. A board shall issue, reissue, renew, or otherwise extend an obligor's or
20 other individual's license ~~in accordance with the board's rules~~ upon receipt of a

1 certified copy of an order of compliance from the court currently exercising
2 jurisdiction over the matter, provided that the prior court-ordered suspension, or
3 department-ordered suspension pursuant to Subpart D of this Part, was the sole cause
4 of the suspension.

5 B. After receipt of an order of compliance and if no other cause for
6 suspension exists, the board ~~may~~ shall waive ~~any~~ all of its applicable requirements
7 for issuance, reissuance, renewal, or extension ~~if it determines that the imposition of~~
8 ~~that requirement places an undue burden on the person and that waiver of the~~
9 ~~requirement is consistent with the public interest.~~

10 C. If the board determines that a cause for suspension other than the court-
11 ordered suspension or department-ordered suspension exists after receipt of an order
12 of compliance, the board shall provide written reasons to the obligor for the
13 continued suspension of the license.

14 * * *

15 §315.37. Continued jurisdiction of court; conflicts

16 The provisions of this Subpart shall supersede the provisions of Subpart D
17 of this Part relative to the authority of the court currently exercising jurisdiction over
18 the matter to reinstate or suspend a particular license of an obligor based on the
19 payment or failure to pay a child support obligation, and the determination to
20 continue the suspension or to reinstate the license shall remain within the sole
21 supervisory jurisdiction of the court currently exercising jurisdiction over the matter.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Thompson

HB No. 840

Abstract: Provides for the continued jurisdiction of the court relative to the reinstatement and suspension of licenses for failure to pay child support.

Present law provides that upon being presented with a court order of partial compliance, the office of motor vehicles may issue the obligor a temporary license valid for a period not to exceed 120 days.

Proposed law requires the office of motor vehicles to issue the obligor a temporary license for such period as the court orders, provided that no other cause for suspension of the license exists.

Present law requires a board to issue, reissue, or renew an obligor's license in accordance with the board's rules upon receipt of a certified copy of an order of compliance from the court, and provides that the board may waive any of its requirements for reissuance, provided that the board determines that waiver of its requirements is consistent with the public interest.

Proposed law requires the board to issue, reissue, or renew, an obligor's license and to waive all of its requirements regardless of the board's rules or the board's determination of the public interest, provided the court- or department-ordered suspension was the sole cause of the suspension.

Proposed law requires the board to provide written reasons to the obligor for the continued suspension of the license.

Proposed law provides that provisions of present law and proposed law relative to judicial suspensions shall supersede the provisions of present law relative to administrative suspensions, and provides that the authority of the court to judicially suspend or reinstate licenses shall remain within the sole supervisory jurisdiction of the court currently exercising jurisdiction over the matter.

(Amends R.S. 9:315.33(C) and 315.35; Adds R.S. 9:315.37)