

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/HCS/House Bill No. 2046, Page 49, Section 337.050, Line 8,

2 of said page, by inserting immediately after all of said line the
3 following:

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

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

16 3. Due process requires that, upon timely receipt of a
17 request for hearing from an obligor, the court or director shall
18 schedule a hearing that complies with due process to determine if
19 suspension of the obligor's license is appropriate considering
20 all relevant factors. The court or director shall stay
21 suspension of the license pending the outcome of the hearing.

1 4. [If the action involves an arrearage, the only issues
2 that may be determined in a hearing pursuant to this section are]
3 In determining whether the license suspension is appropriate
4 under the circumstances, the court or director shall consider and
5 issue written findings of fact and conclusions of law within
6 thirty days following the hearing regarding the following:

7 (1) The identity of the obligor;

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

12 (3) Whether the obligor has entered a payment plan. If the
13 action involves a failure to comply with a subpoena or order, the
14 only issues that may be determined are the identity of the
15 obligor and whether the obligor has complied with the subpoena or
16 order;

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

19 (5) Whether the obligor has the current ability to make the
20 payments;

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

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

25 (b) Transportation of the obligor or family members to
26 extra curricular activities; or

27 (c) A requirement for employment;

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

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

1 (9) Whether the obligor has been offered job assistance
2 through the state;

3 (10) Whether the obligor is disabled and his or her
4 capacity to work; and

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

7 5. If the court or director, after the hearing, determines
8 that the obligor has failed to comply with the child support
9 payment obligation and an arrearage exists in excess of two
10 thousand five hundred dollars for good cause, then the court or
11 director shall not issue an order suspending the obligor's
12 license and ordering the obligor to refrain from engaging in the
13 licensed activity or, if an order is in place, shall stay such
14 order.

15 6. If the court or director, after hearing, determines that
16 the obligor has failed, without good cause, to comply with any of
17 the requirements in subsection 4 of this section, the court or
18 director shall issue an order suspending the obligor's license
19 and ordering the obligor to refrain from engaging in the licensed
20 activity.

21 [6.] 7. The court or division shall send a copy of the
22 order suspending a license to the licensing authority and the
23 obligor by certified mail.

24 [7.] 8. The determination of the director, after a hearing
25 pursuant to this section, shall be a final agency decision and
26 shall be subject to judicial review pursuant to chapter 536.
27 Administrative hearings held pursuant to this section shall be
28 conducted by hearing officers appointed by the director of the
29 department pursuant to subsection 1 of section 454.475.

1 [8.] 9. A determination made by the court or division
2 pursuant to this section is independent of any proceeding of the
3 licensing authority to suspend, revoke, deny, terminate or renew
4 a license."; and

5 Further amend the title and enacting clause accordingly.