

**SUBSTITUTE FOR  
HOUSE BILL NO. 5850**

A bill to amend 1982 PA 295, entitled  
"Support and parenting time enforcement act,"  
by amending section 28 (MCL 552.628), as amended by 2009 PA 193.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 28. (1) For a friend of the court case, a payer's  
2 occupational license, ~~driver's~~**driver** license, or recreational or  
3 sporting license, or any combination of the licenses ~~7~~ may be  
4 suspended if all of the following circumstances are true:

5           (a) An arrearage has accrued in an amount greater than the  
6 amount of periodic support payments payable for 2 months under the  
7 payer's support order.

8           (b) An order of income withholding is not applicable or has  
9 been unsuccessful in assuring regular payments on the support



1 obligation and regular payments on the arrearage.

2 (c) The court has conducted an ability to pay assessment and  
3 determined that the payer has an ability to pay the support but is  
4 willfully not making his or her support payments.

5 (d) The office of the friend of the court has exhausted all  
6 other enforcement mechanisms before seeking the suspension of a  
7 driver license.

8 (2) Before seeking the suspension of a license described in  
9 subsection (1), ~~an~~**the** office of the friend of the court shall send  
10 the payer a notice that includes all of the following information:

11 (a) The amount of the arrearage.

12 (b) That the payer's occupational license, ~~driver's~~**driver**  
13 license, or recreational or sporting license, or any combination of  
14 the licenses ~~may~~ be subject to suspension.

15 (c) That a suspension order or notice will be sent to the  
16 licensing agency unless the payer responds by paying the arrearage  
17 or requesting a hearing within 21 days after the date of mailing  
18 the notice.

19 (d) That, if a hearing is requested, the payer may do either  
20 of the following at the hearing:

21 (i) Object to the proposed suspension based on a mistake of  
22 fact concerning the overdue support amount or the payer's identity.

23 (ii) Ask the court to order a schedule for the payment of the  
24 arrearage.

25 (e) That, if the payer believes that the amount of support  
26 ordered should be modified due to a change in circumstances, the  
27 payer may file a petition with the court for modification of the  
28 support order.

