



Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

CHILD SUPPORT/LICENSE ACTIONS

House Bill 4135

Sponsor: Rep. Paul Baade

House Bill 4136

Sponsor: Rep. Michael J. Bennane

House Bill 4137

Sponsor: Rep. Karen Willard

House Bill 4138

Sponsor: Rep. Sharon Gire

Committee: Human Services & Children

Complete to 3-1-93

A SUMMARY OF HOUSE BILLS 4135-4138 AS INTRODUCED 2-3-93

The bills would provide for the suspension of a professional, occupational, or driver's license for failure to pay a support arrearage. ("Support" generally means child support, but can include alimony.) The friend of the court could, but would not have to, seek a license sanction if income withholding was not available or had proved unsuccessful. The payer would have an opportunity for a hearing and to agree to a payment schedule (assuming the court decided the payer had the resources) before the court ordered the licensing agency to suspend the license. The court could condition a license on compliance with a payment schedule. A suspension order would be rescinded immediately (and the appropriate agency notified within two business days) after a payer agreed to a payment schedule for the arrearage. None of the bills could take effect unless all were enacted. A more detailed explanation follows.

House Bill 4138 would amend the Support and Visitation Enforcement Act (MCL 552.602 et al.) to authorize the friend of the court to institute a license suspension action for failure to pay support, and to authorize the court to issue a suspension order. The friend of the court would initiate the action only if there was a support arrearage and an order of income withholding either was not available or had not been successful. The friend of the court would notify the payer that he or she could demand a hearing and that he or she could ask to have the amount of support required changed if his or her circumstances had changed.

The court would order a license to be suspended if the payer had failed to respond to the notice within 14 days (and had continued to fail to pay the arrearage for another 7 days beyond that), or if, following a hearing, the court determined that the payer was able to pay at least part of the support arrearages and had failed to do so. The suspension order would provide for a license to be suspended 28 days after the order was issued. The friend of the court would notify the appropriate agency of the suspension order.

The court could condition a license on compliance with a payment schedule, and, if the payer failed to comply, proceed to order a license suspension.

If the payer agreed to a payment schedule for the arrearage, the court would rescind the suspension order, effective immediately. The friend of the court would notify the appropriate agency within two business days.

Commencing with new support cases, payers would have to give the friend of the court information on any occupational/professional or driver's licenses held. Also, a payer would have to immediately notify the friend of the court of any change in license status.

House Bill 4137 would amend the Michigan Vehicle Code (MCL 552.602) to require the secretary of state, upon receiving a suspension order issued under House Bill 4138, to notify the license holder that his or her operator's or chauffeur's license would be suspended 28 days later, unless the friend of the court notified the secretary of state that the suspension had been rescinded; the license holder also would have to pay a \$6 license reinstatement fee.

House Bill 4136 would create the Regulated Occupation Support Enforcement Act to require regulatory agencies of the state of Michigan to suspend licenses in accordance with House Bill 4138. The act would apply to certificates, registrations, and licenses issued by a state agency that allow an individual to engage in a regulated occupation or allow an individual to use a specific title in the practice of an occupation, profession, or vocation.

Within seven business days after receiving a suspension order from the friend of the court, the agency would notify the license holder that it would automatically suspend the license within 28 days, unless the friend of the court notified the agency that the suspension was rescinded. Unless notified that the suspension order had been rescinded, the agency would have to suspend the license 28 days after sending the notice to the license holder.

The agency would have to reinstate a license if the suspension order was rescinded under House Bill 4138; the effective date of the reinstatement would be the date the order was rescinded. The agency would have to notify the licensee of the reinstatement within seven business days after learning that the suspension order had been rescinded.

House Bill 4135 would amend the Administrative Procedures Act (MCL 24.292) to limit the application of a provision that requires regulatory agencies to give licensees facing license sanctions the opportunity to show compliance with all lawful requirements for the license. Under the bill, this requirement would apply "except as otherwise provided by law," thus allowing the notice and hearing provisions of the companion bills to govern in those situations.