

By: Senator(s) Hill, England

To: Judiciary, Division B

SENATE BILL NO. 2118

1 AN ACT TO AMEND SECTION 93-11-153, MISSISSIPPI CODE OF 1972,
2 TO DEFINE THE TERM "TEMPORARY DRIVER'S LICENSE"; TO AMEND SECTION
3 93-11-157, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI
4 DEPARTMENT OF PUBLIC SAFETY TO ISSUE A TEMPORARY DRIVER'S LICENSE
5 TO ANY PERSON WHOSE GENERAL DRIVER'S LICENSE IS SUSPENDED AS A
6 RESULT OF FAILURE TO PAY CHILD SUPPORT; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 93-11-153, Mississippi Code of 1972, is
9 amended as follows:

10 93-11-153. As used in Sections 93-11-151 through 93-11-163,
11 the following words and terms shall have the meanings ascribed
12 herein:

13 (a) "Licensing entity" or "entity" means any entity
14 specified in Title 73, Professions and Vocations, of the
15 Mississippi Code, and includes the Mississippi Department of
16 Public Safety with respect to driver's licenses, the
17 Mississippi * * * Department of Revenue with respect to licenses
18 for the sale of alcoholic beverages and other licenses or
19 registration authorizing a person to engage in a business, the
20 Mississippi Department of Wildlife, Fisheries and Parks with



21 respect to hunting and fishing licenses, and any other state
22 agency that issues a license authorizing a person to engage in a
23 business, occupation or profession. For the purposes of this
24 article, the Supreme Court shall be considered to be the licensing
25 entity for attorneys.

26 (b) "License" means a license, certificate, permit,
27 credential, registration, or any other authorization issued by a
28 licensing entity that allows a person to engage in a business,
29 occupation or profession, to operate a motor vehicle, to sell
30 alcoholic beverages, or to hunt and fish.

31 (c) "Licensee" means any person holding a license
32 issued by a licensing entity.

33 (d) "Order for support" means any judgment or order
34 that provides for payments of a sum certain for the support of a
35 child, whether it is temporary or final, and includes, but is not
36 limited to, an order for reimbursement for public assistance or an
37 order for making periodic payments on a support arrearage, or a
38 sum certain due for a support arrearage.

39 (e) "Out of compliance with an order for support" means
40 that the obligor is at least thirty (30) days in arrears or
41 delinquent in making payments in full for current support, or in
42 making periodic payments on a support arrearage.

43 (f) "Department" means the Mississippi Department of
44 Human Services.



45 (g) "Division" means the division within the department
46 that is charged with the state administration of Title IV-D of the
47 Social Security Act.

48 (h) "Delinquency" means any payments of a sum certain
49 ordered by any court to be paid by a noncustodial parent for the
50 support of a child that have remained unpaid for at least thirty
51 (30) days after payment is due. Delinquency shall also include
52 payments of a sum certain ordered by any court to be paid for
53 maintenance of a spouse that have remained unpaid for at least
54 thirty (30) days.

55 (i) "Temporary driver's license" means a license issued
56 by the Mississippi Department of Public Safety pursuant to Section
57 93-11-157(16).

58 **SECTION 2.** Section 93-11-157, Mississippi Code of 1972, is
59 amended as follows:

60 93-11-157. (1) The division shall review the information
61 received under Section 93-11-155 and any other information
62 available to the division, and shall determine if a licensee is
63 out of compliance with an order for support. If a licensee is out
64 of compliance with the order for support, the division shall
65 notify the licensee by first class mail that ninety (90) days
66 after the licensee receives the notice of being out of compliance
67 with the order, the licensing entity will be notified to
68 immediately suspend the licensee's license unless the licensee
69 pays the arrearage owing, according to the accounting records of



70 the Mississippi Department of Human Services or the attorney
71 representing the party to whom support is due, as the case may be,
72 or enters into a stipulated agreement and agreed judgment
73 establishing a schedule for the payment of the arrearage. The
74 licensee shall be presumed to have received the notice five (5)
75 days after it is deposited in the mail.

76 (2) Upon receiving the notice provided in subsection (1) of
77 this section the licensee may:

78 (a) Request a review with the division; however, the
79 issues the licensee may raise at the review are limited to whether
80 the licensee is the person required to pay under the order for
81 support and whether the licensee is out of compliance with the
82 order for support; or

83 (b) Request to participate in negotiations with the
84 division for the purpose of establishing a payment schedule for
85 the arrearage.

86 (3) The division director or the designees of the division
87 director may and, upon request of a licensee, shall negotiate with
88 a licensee to establish a payment schedule for the arrearage.
89 Payments made under the payment schedule shall be in addition to
90 the licensee's ongoing obligation under the latest entered
91 periodic order for support.

92 (4) Should the division and the licensee reach an agreement
93 on a payment schedule for the arrearage, the division director may
94 submit to the court a stipulated agreement and agreed judgment



95 containing the payment schedule which, upon the court's approval,
96 is enforceable as any order of the court. If the court does not
97 approve the stipulated agreement and agreed judgment, the court
98 may require a hearing on a case-by-case basis for the judicial
99 review of the payment schedule agreement.

100 (5) If the licensee and the division do not reach an
101 agreement on a payment schedule for the arrearage, the licensee
102 may move the court to establish a payment schedule. However, this
103 action does not stay the license suspension.

104 (6) The notice given to a licensee that the licensee's
105 license will be suspended in ninety (90) days must clearly state
106 the remedies and procedures that are available to a licensee under
107 this section.

108 (7) If at the end of the ninety (90) days the licensee has
109 an arrearage according to the accounting records of the
110 Mississippi Department of Human Services or the attorney
111 representing the party to whom support is due, as the case may be,
112 and the licensee has not entered into a stipulated agreement and
113 agreed judgment establishing a payment schedule for the arrearage,
114 the division shall immediately notify all applicable licensing
115 entities in writing to suspend the licensee's license, and the
116 licensing entities shall immediately suspend the license and shall
117 within three (3) business days notify the licensee and the
118 licensee's employer, where known, of the license suspension and
119 the date of such suspension by certified mail return receipt



120 requested. Within forty-eight (48) hours of receipt of a request
121 in writing delivered personally, by mail or by electronic means,
122 the department shall furnish to the licensee, licensee's attorney
123 or other authorized representative a copy of the department's
124 accounting records of the licensee's payment history. A licensing
125 entity shall immediately reinstate the suspended license upon the
126 division's notification of the licensing entities in writing that
127 the licensee no longer has an arrearage or that the licensee has
128 entered into a stipulated agreement and agreed judgment.

129 (8) Within thirty (30) days after a licensing entity
130 suspends the licensee's license at the direction of the division
131 under subsection (7) of this section, the licensee may appeal the
132 license suspension to the chancery court of the county in which
133 the licensee resides or to the Chancery Court of the First
134 Judicial District of Hinds County, Mississippi, upon giving bond
135 with sufficient sureties in the amount of Two Hundred Dollars
136 (\$200.00), approved by the clerk of the chancery court and
137 conditioned to pay any costs that may be adjudged against the
138 licensee. Notice of appeal shall be filed in the office of the
139 clerk of the chancery court. If there is an appeal, the appeal
140 may, in the discretion of and on motion to the chancery court, act
141 as a supersedeas of the license suspension. The department shall
142 be the appellee in the appeal, and the licensing entity shall not
143 be a party in the appeal. The chancery court shall dispose of the
144 appeal and enter its decision within thirty (30) days of the



145 filing of the appeal. The hearing on the appeal may, in the
146 discretion of the chancellor, be tried in vacation. The decision
147 of the chancery court may be appealed to the Supreme Court in the
148 manner provided by the rules of the Supreme Court. In the
149 discretion of and on motion to the chancery court, no person shall
150 be allowed to practice any business, occupation or profession or
151 take any other action under the authority of any license the
152 suspension of which has been affirmed by the chancery court while
153 an appeal to the Supreme Court from the decision of the chancery
154 court is pending.

155 (9) If a licensee who has entered a stipulated agreement and
156 agreed judgment for the payment of an arrearage under this section
157 subsequently is out of compliance with an order for support, the
158 division shall immediately notify the licensing entity to suspend
159 the licensee's license, and the licensing entity shall immediately
160 suspend the license without a hearing and shall within three (3)
161 business days notify the licensee in writing of the license
162 suspension. In the case of a license suspension under the
163 provisions of this subsection, the procedures provided for under
164 subsections (1) and (2) of this section are not required; however,
165 the appeal provisions of subsection (8) of this section still
166 apply. After suspension of the license, if the licensee
167 subsequently enters into a stipulated agreement and agreed
168 judgment or the licensee otherwise informs the division of
169 compliance with the order for support, the division shall within



170 seven (7) days notify in writing the licensing entity that the
171 licensee is in compliance. Upon receipt of that notice from the
172 division, a licensing entity shall immediately reinstate the
173 license of the licensee and shall within three (3) business days
174 notify the licensee of the reinstatement.

175 (10) Nothing in this section prohibits a licensee from
176 filing a motion for the modification of an order for support or
177 for any other applicable relief. However, no such action shall
178 stay the license suspension procedure, except as may be allowed
179 under subsection (8) of this section.

180 (11) If a license is suspended under the provisions of this
181 section, the licensing entity is not required to refund any fees
182 paid by a licensee in connection with obtaining or renewing a
183 license.

184 (12) The requirement of a licensing entity to suspend a
185 license under this section does not affect the power of the
186 licensing entity to deny, suspend, revoke or terminate a license
187 for any other reason.

188 (13) The procedure for suspension of a license for being out
189 of compliance with an order for support, and the procedure for the
190 reissuance or reinstatement of a license suspended for that
191 purpose, shall be governed by this section and not by the general
192 licensing and disciplinary provisions applicable to a licensing
193 entity. Actions taken by a licensing entity in suspending a
194 license when required by this section are not actions from which



195 an appeal may be taken under the general licensing and
196 disciplinary provisions applicable to the licensing entity. Any
197 appeal of a license suspension that is required by this section
198 shall be taken in accordance with the appeal procedure specified
199 in subsection (8) of this section rather than any procedure
200 specified in the general licensing and disciplinary provisions
201 applicable to the licensing entity. If there is any conflict
202 between any provision of this section and any provision of the
203 general licensing and disciplinary provisions applicable to a
204 licensing entity, the provisions of this section shall control.

205 (14) No license shall be suspended under this section until
206 ninety (90) days after July 1, 1996. This ninety-day period shall
207 be a one-time amnesty period in which any person who may be
208 subject to license suspension under this article may comply with
209 an order of support in order to avoid the suspension of any
210 license.

211 (15) Any individual who fails to comply with a subpoena or
212 warrant relating to paternity or child support proceedings after
213 receiving appropriate notice may be subject to suspension or
214 withholding of issuance of a license under this section.

215 (16) (a) Upon receipt of an application by a licensee whose
216 driver's license has been suspended under this section, the
217 Mississippi Department of Public Safety is authorized to issue a
218 temporary driver's license to an applicant. The temporary
219 driver's license shall expire 150 days from the date of issuance,



220 not including any days where the chancellor under subsection (8)
221 reinstates the licensee's driver's license.

222 (b) A licensee under this subsection (16) shall be
223 authorized to operate a motor vehicle only in connection with
224 driving to and from the licensee's residence, place of employment
225 or place of religious worship.

226 (c) This subsection shall not apply to commercial
227 driver's licenses.

228 **SECTION 3.** This act shall take effect and be in force from
229 and after July 1, 2023.

