

By: Representative Massengill

To: Judiciary A

HOUSE BILL NO. 694

1 AN ACT TO AMEND SECTION 93-11-157, MISSISSIPPI CODE OF 1972,
 2 TO REQUIRE THAT NOTICE BE PROVIDED TO ANY EMPLOYER OF A PERSON
 3 HOLDING A COMMERCIAL DRIVER'S LICENSE WHEN THE PERSON IS BEHIND ON
 4 CHILD SUPPORT AND NOTIFIED OF POSSIBLE SUSPENSION OF HIS OR HER
 5 COMMERCIAL DRIVER'S LICENSE; TO BRING FORWARD SECTION 93-11-163,
 6 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE PROCEDURE FOR
 7 SUSPENSION OF DRIVER'S LICENSES WHEN A PERSON OWES CHILD SUPPORT;
 8 AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 93-11-157, Mississippi Code of 1972, is
 11 amended as follows:

12 93-11-157. (1) The division shall review the information
 13 received under Section 93-11-155 and any other information
 14 available to the division, and shall determine if a licensee is
 15 out of compliance with an order for support. If a licensee is out
 16 of compliance with the order for support, the division shall
 17 notify the licensee by first class mail that ninety (90) days
 18 after the licensee receives the notice of being out of compliance
 19 with the order, the licensing entity will be notified to
 20 immediately suspend the licensee's license unless the licensee
 21 pays the arrearage owing, according to the accounting records of



22 the Mississippi Department of Human Services or the attorney
23 representing the party to whom support is due, as the case may be,
24 or enters into a stipulated agreement and agreed judgment
25 establishing a schedule for the payment of the arrearage. If the
26 licensee who is out of compliance holds a commercial driver's
27 license, the division shall notify the licensee and the licensee's
28 employer by first class mail that ninety (90) days after the
29 licensee receives the notice of being out of compliance with the
30 order, the licensing entity will be notified to immediately
31 suspend the licensee's commercial driver's license unless the
32 licensee pays the arrearage owing, according to the accounting
33 records of the Mississippi Department of Human Services or the
34 attorney representing the party to whom support is due, as the
35 case may be, or enters into a stipulated agreement and agreed
36 judgment establishing a schedule for the payment of the arrearage.
37 The licensee shall be presumed to have received the notice five
38 (5) days after it is deposited in the mail.

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

41 (a) Request a review with the division; however, the
42 issues the licensee may raise at the review are limited to whether
43 the licensee is the person required to pay under the order for
44 support and whether the licensee is out of compliance with the
45 order for support; or



46 (b) Request to participate in negotiations with the
47 division for the purpose of establishing a payment schedule for
48 the arrearage.

49 (3) The division director or the designees of the division
50 director may and, upon request of a licensee, shall negotiate with
51 a licensee to establish a payment schedule for the arrearage.
52 Payments made under the payment schedule shall be in addition to
53 the licensee's ongoing obligation under the latest entered
54 periodic order for support.

55 (4) Should the division and the licensee reach an agreement
56 on a payment schedule for the arrearage, the division director may
57 submit to the court a stipulated agreement and agreed judgment
58 containing the payment schedule which, upon the court's approval,
59 is enforceable as any order of the court. If the court does not
60 approve the stipulated agreement and agreed judgment, the court
61 may require a hearing on a case-by-case basis for the judicial
62 review of the payment schedule agreement.

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

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



71 (7) If at the end of the ninety (90) days the licensee has
72 an arrearage according to the accounting records of the
73 Mississippi Department of Human Services or the attorney
74 representing the party to whom support is due, as the case may be,
75 and the licensee has not entered into a stipulated agreement and
76 agreed judgment establishing a payment schedule for the arrearage,
77 the division shall immediately notify all applicable licensing
78 entities in writing to suspend the licensee's license, and the
79 licensing entities shall immediately suspend the license and shall
80 within three (3) business days notify the licensee and the
81 licensee's employer, where known, of the license suspension and
82 the date of such suspension by certified mail return receipt
83 requested. Within forty-eight (48) hours of receipt of a request
84 in writing delivered personally, by mail or by electronic means,
85 the department shall furnish to the licensee, licensee's attorney
86 or other authorized representative a copy of the department's
87 accounting records of the licensee's payment history. A licensing
88 entity shall immediately reinstate the suspended license upon the
89 division's notification of the licensing entities in writing that
90 the licensee no longer has an arrearage or that the licensee has
91 entered into a stipulated agreement and agreed judgment.

92 (8) Within thirty (30) days after a licensing entity
93 suspends the licensee's license at the direction of the division
94 under subsection (7) of this section, the licensee may appeal the
95 license suspension to the chancery court of the county in which



96 the licensee resides or to the Chancery Court of the First
97 Judicial District of Hinds County, Mississippi, upon giving bond
98 with sufficient sureties in the amount of Two Hundred Dollars
99 (\$200.00), approved by the clerk of the chancery court and
100 conditioned to pay any costs that may be adjudged against the
101 licensee. Notice of appeal shall be filed in the office of the
102 clerk of the chancery court. If there is an appeal, the appeal
103 may, in the discretion of and on motion to the chancery court, act
104 as a supersedeas of the license suspension. The department shall
105 be the appellee in the appeal, and the licensing entity shall not
106 be a party in the appeal. The chancery court shall dispose of the
107 appeal and enter its decision within thirty (30) days of the
108 filing of the appeal. The hearing on the appeal may, in the
109 discretion of the chancellor, be tried in vacation. The decision
110 of the chancery court may be appealed to the Supreme Court in the
111 manner provided by the rules of the Supreme Court. In the
112 discretion of and on motion to the chancery court, no person shall
113 be allowed to practice any business, occupation or profession or
114 take any other action under the authority of any license the
115 suspension of which has been affirmed by the chancery court while
116 an appeal to the Supreme Court from the decision of the chancery
117 court is pending.

118 (9) If a licensee who has entered a stipulated agreement and
119 agreed judgment for the payment of an arrearage under this section
120 subsequently is out of compliance with an order for support, the



121 division shall immediately notify the licensing entity to suspend
122 the licensee's license, and the licensing entity shall immediately
123 suspend the license without a hearing and shall within three (3)
124 business days notify the licensee in writing of the license
125 suspension. In the case of a license suspension under the
126 provisions of this subsection, the procedures provided for under
127 subsections (1) and (2) of this section are not required; however,
128 the appeal provisions of subsection (8) of this section still
129 apply. After suspension of the license, if the licensee
130 subsequently enters into a stipulated agreement and agreed
131 judgment or the licensee otherwise informs the division of
132 compliance with the order for support, the division shall within
133 seven (7) days notify in writing the licensing entity that the
134 licensee is in compliance. Upon receipt of that notice from the
135 division, a licensing entity shall immediately reinstate the
136 license of the licensee and shall within three (3) business days
137 notify the licensee of the reinstatement.

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

143 (11) If a license is suspended under the provisions of this
144 section, the licensing entity is not required to refund any fees



145 paid by a licensee in connection with obtaining or renewing a
146 license.

147 (12) The requirement of a licensing entity to suspend a
148 license under this section does not affect the power of the
149 licensing entity to deny, suspend, revoke or terminate a license
150 for any other reason.

151 (13) The procedure for suspension of a license for being out
152 of compliance with an order for support, and the procedure for the
153 reissuance or reinstatement of a license suspended for that
154 purpose, shall be governed by this section and not by the general
155 licensing and disciplinary provisions applicable to a licensing
156 entity. Actions taken by a licensing entity in suspending a
157 license when required by this section are not actions from which
158 an appeal may be taken under the general licensing and
159 disciplinary provisions applicable to the licensing entity. Any
160 appeal of a license suspension that is required by this section
161 shall be taken in accordance with the appeal procedure specified
162 in subsection (8) of this section rather than any procedure
163 specified in the general licensing and disciplinary provisions
164 applicable to the licensing entity. If there is any conflict
165 between any provision of this section and any provision of the
166 general licensing and disciplinary provisions applicable to a
167 licensing entity, the provisions of this section shall control.

168 (14) No license shall be suspended under this section until
169 ninety (90) days after July 1, 1996. This ninety-day period shall



170 be a one-time amnesty period in which any person who may be
171 subject to license suspension under this article may comply with
172 an order of support in order to avoid the suspension of any
173 license.

174 (15) Any individual who fails to comply with a subpoena or
175 warrant relating to paternity or child support proceedings after
176 receiving appropriate notice may be subject to suspension or
177 withholding of issuance of a license under this section.
178 as defined by 22 USC 7102(11).

179 **SECTION 2.** Section 93-11-163, Mississippi Code of 1972, is
180 brought forward as follows:

181 93-11-163. In addition to the procedures in Section
182 93-11-157, the court may, upon a finding that a defendant is
183 delinquent for being out of compliance with an order for support,
184 order the licensing entity as defined in Section 93-11-153(a) to
185 suspend the license of the defendant. In its discretion, the
186 court may stay such an order for a reasonable time to allow the
187 defendant to purge himself of the delinquency. If a license is
188 suspended under this section, the court may also order the
189 licensing entity to reinstate the license when it is satisfied
190 that the defendant has purged himself of the delinquency.

191 Licensing entities shall treat a suspension under this section the
192 same as a suspension under Section 93-11-157. Defendants whose
193 license is suspended under this section shall be subject to any



194 administrative fees established for reinstatement under Section
195 93-11-159.

196 **SECTION 3.** This act shall take effect and be in force from
197 and after July 1, 2024.

