

By: Representative Massengill

To: Judiciary A

HOUSE BILL NO. 525

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

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

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

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



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

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

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



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

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

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

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

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



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

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



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

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



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

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

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



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

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

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

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



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

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

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

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

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





195 administrative fees established for reinstatement under Section  
196 93-11-159.

197           **SECTION 3.** This act shall take effect and be in force from  
198 and after July 1, 2025.

