

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.

