

ASSEMBLY, No. 800

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

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District 15 (Hunterdon and Mercer)

SYNOPSIS

Provides that driver's license may not be suspended on grounds of failure to pay child support unless obligor is given opportunity for court hearing.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning driver's license suspensions and amending
2 P.L.1996, c.7.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 3 of P.L.1996, c.7 (C.2A:17-56.41) is amended to
8 read as follows:

9 3. a. If the child support arrearage equals or exceeds the
10 amount of child support payable for six months or court-ordered
11 health care coverage for the child is not provided for six months, or
12 the obligor fails to respond to a subpoena relating to a paternity or
13 child support action, or a child support-related warrant exists, and
14 the obligor is found to possess a license in the State and all
15 appropriate enforcement methods to collect the child support
16 arrearage have been exhausted, the Probation Division shall send a
17 written notice to the obligor, by certified and regular mail, return
18 receipt requested, at the obligor's last-known address or place of
19 business or employment, advising the obligor that the obligor's
20 license may be revoked or suspended unless, within 30 days of the
21 postmark date of the notice, the obligor pays the full amount of the
22 child support arrearage, or provides proof that health care coverage
23 for the child has been obtained, or responds to a subpoena, or makes
24 a written request for a court hearing to the Probation Division.
25 **【The obligor's driver's license shall be suspended by operation of**
26 **law upon the issuance of a child support-related warrant.】** If a child
27 support-related warrant for the obligor exists, the professional,
28 occupational, recreational or sporting license revocation or
29 suspension shall be terminated if the obligor pays the full amount of
30 the child support arrearage, provides proof that health care coverage
31 for the child has been obtained as required by the court order, or
32 surrenders to the county sheriff or the Probation Division.

33 b. If the obligor fails to take one of the actions in subsection a.
34 of this section within 30 days of the postmark date of the notice and
35 there is proof that service on the obligor was effective, the
36 Probation Division shall file a certification with the court setting
37 forth the obligor's non-compliance with the support order and the
38 obligor's failure to respond to the written notice of the potential
39 license suspension or revocation. If, based on the papers filed by
40 the Probation Division, the court is satisfied that service on the
41 obligor was effective as set forth in this section, it shall without
42 need for further due process or hearing, enter a court order
43 suspending or revoking all licenses held by the obligor. Upon the
44 entry of the order, the Probation Division shall forward a copy to
45 the obligor and all appropriate licensing authorities.

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 For the purposes of this section, the court may deem procedural
2 due process requirements for notice and service of process to be met
3 with respect to a party thereto upon delivery of written notice to the
4 most recent residential or employer address filed with the Probation
5 Division for that party. If a party fails to respond to a notice and no
6 proof is available that the party received the notice, the Probation
7 Division shall document to the court that it has made a diligent
8 effort to locate the party by making inquiries that may include, but
9 are not limited to: the United States Postal Service, the Division of
10 Motor Vehicles in the Department of Transportation, the Division
11 of Taxation in the Department of the Treasury and the Departments
12 of Labor and Corrections. The Probation Division shall provide an
13 affidavit to the court presenting such documentation of its diligent
14 effort, which certifies its inability to locate the party, before any
15 adverse action is taken based upon the party's failure to respond to
16 the notice.

17 c. If the obligor requests a hearing, the Probation Division shall
18 file a petition for a judicial hearing in accordance with section 5 of
19 P.L.1996, c.7 (C.2A:17-56.43). The hearing shall occur within 45
20 days of the obligor's request. If, at or prior to the hearing, the
21 obligor pays the full amount of the child support arrearage or
22 provides health care coverage as ordered, or responds to the
23 subpoena or surrenders to the county sheriff or the Probation
24 Division, the license revocation process shall be terminated. No
25 license revocation action shall be initiated if the Probation Division
26 has received notice that the obligor has pending a motion to modify
27 the child support order if that motion was filed prior to the date that
28 the notice of the license suspension or revocation was sent by the
29 Probation Division. The court shall consider the Probation
30 Division's petition to revoke or suspend a license in accordance
31 with section 5 of P.L.1996, c.7 (C.2A:17-56.43).
32 (cf: P.L.1998, c.1, s.28)
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34 2. This act shall take effect immediately.
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37 STATEMENT 38

39 This bill would eliminate a provision in current law requiring the
40 automatic suspension of the driver's licenses of certain delinquent
41 child support obligors.

42 Currently, the driver's license or professional license of a
43 delinquent child support obligor may be revoked or suspended
44 under certain circumstances. If the arrearage equals or exceeds the
45 amount of child support payable for six months, if the obligor fails
46 to respond to a subpoena, or if a child support-related warrant
47 exists, and all appropriate enforcement methods to collect the child
48 support arrearage have been exhausted, the Probation Division is

1 required to send a written notice to the obligor advising him that the
2 license may be revoked or suspended unless the obligor pays the
3 full amount of the arrearage within 30 days, or responds to a
4 subpoena, or makes a written request for a court hearing to the
5 Probation Division.

6 The statute also specifies that the obligor's driver's license will
7 be suspended by operation of law upon the issuance of a child
8 support-related warrant. This bill would eliminate the provision
9 authorizing suspension of the obligor's driver's license by operation
10 of law. The effect of this bill would be to allow the obligor an
11 opportunity for a court hearing on the issue of whether the obligor's
12 driver's license should be suspended.