

HOUSE BILL REPORT

HB 2913

As Reported by House Committee On: Judiciary

Title: An act relating to creating efficiencies regarding requirements for license withholding and suspension for noncompliance with a child support order.

Brief Description: Creating efficiencies regarding requirements for license withholding and suspension for noncompliance with a child support order.

Sponsors: Representatives Gregerson, Kilduff, Jinkins and Ortiz-Self; by request of Department of Social and Health Services.

Brief History:

Committee Activity:

Judiciary: 2/3/16, 2/4/16 [DP].

Brief Summary of Bill

- Adds a new provision requiring any state agency that issues drivers' licenses, professional or occupational licenses, or recreational or sporting licenses to withhold, restrict, or suspend the license of a responsible parent when the Department of Social and Health Services certifies that parent's name as a licensee who is not in compliance with a child support order.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 7 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Goodman, Hansen, Kirby, Kuderer and Orwall.

Minority Report: Do not pass. Signed by 5 members: Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Haler, Klippert and Stokesbary.

Minority Report: Without recommendation. Signed by 1 member: Representative Muri.

Staff: Edie Adams (786-7180).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Federal law requires states to have procedures for the suspension or restriction of a person's driver's license, professional and occupational license, and recreational and sporting license if the person owes past child support. If the state fails to have these procedures, it may result in the loss of federal funds to the state's Temporary Assistance to Needy Families block grant. All court and administrative orders that establish or modify support obligations must include a statement notifying the responsible parent that the privilege to obtain and maintain a license may not be renewed, or may be suspended, if the parent is not in compliance with a child support order.

Under Washington's license suspension program, the Department of Social and Health Services (DSHS) may serve an obligated parent with a notice of noncompliance if the parent fails to pay his or her support when due. By rule, the DSHS generally uses this enforcement tool when a parent is six months or more behind in child support.

The DSHS serves the parent with a notice informing the parent of the DSHS's intent to submit the parent's name to the Department of Licensing and other licensing entities for license suspension. In order to avoid license suspension, the parent has 20 days from the date of the notice to contact the DSHS to pay overdue amounts, enter into a payment agreement, request an adjudicative hearing, or move to modify the child support obligation. If a parent fails to take the required action, the DSHS certifies the parent's name as a licensee who is not in compliance with a child support order.

A licensing entity that receives a certification from the DSHS that a licensee is not in compliance with a child support order must immediately suspend the person's license. The authority and obligation for a licensing entity to suspend a license in this circumstances is contained in each chapter governing licensing programs.

Summary of Bill:

A new provision is added in the DSHS's child support enforcement chapter providing that any state agency that issues drivers' licenses, professional or occupational licenses, or recreational or sporting licenses must withhold, restrict, or suspend the license of a responsible parent when the DSHS certifies that parent's name as a licensee who is not in compliance with a child support order.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) License suspension is a good tool that the DSHS will use as a last resort when other enforcement tools have not worked. When the Legislature originally adopted the license suspension laws, the decision was made to add this authority for license suspension into each licensing statute. This means that the DSHS has to work each session to ensure that license suspension authority is added to any legislation creating a new licensing program. Adopting this general authority provision will save legislative and agency staff time and resources.

(Opposed) None.

(Other) This license suspension authority should not be interpreted to apply to a concealed pistol license (CPL). A CPL is not a privilege, it is a right. An amendment should be adopted to make it clear that the legislation does not affect CPLs.

Persons Testifying: (In support) Representative Gregerson, prime sponsor; and Wally McClure, Department of Social and Health Services, Division of Child Support.

(Other) Tom Kwieciak, National Rifle Association.

Persons Signed In To Testify But Not Testifying: None.