

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend House Bill No. 1276, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Thompson

Thompson-TEK-FS-Req#4136  
5/12/2020 4:22 PM

(Floor Amendments Only) Date and Time Filed: \_\_\_\_\_

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 HOUSE BILL NO. 1276

By: Lawson and West (Josh) of  
the House

6 and

7 Stanley and Kidd of the  
8 Senate

9  
10 FLOOR SUBSTITUTE

11 An Act relating to license revocation; amending 43  
12 O.S. 2011, Sections 139 and 139.1, as amended by  
13 Section 1, Chapter 38, O.S.L. 2014 (43 O.S. Supp.  
14 2019, Section 139.1), which relate to revocation of  
15 license for noncompliance with child support order;  
16 modifying legislative intent; modifying definitions;  
17 modifying certain punishments for failure to pay  
18 child support; repealing 47 O.S. 2011, Section 6-  
19 201.1, which relates to revocation of driving  
20 privileges; and providing an effective date.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. AMENDATORY 43 O.S. 2011, Section 139, is  
23 amended to read as follows:

24 Section 139. The Legislature finds and declares that child  
support is a basic legal right of the state's parents and children,  
that mothers and fathers have a legal obligation to provide  
financial support for their children and that child support payments

1 can have a substantial impact on child poverty and state welfare  
2 expenditures. It is therefore the Legislature's intent to encourage  
3 payment of child support to decrease overall costs to the state's  
4 taxpayers while increasing the amount of financial support collected  
5 for the state's children by authorizing the district courts of this  
6 state and the Department of Human Services to order the revocation,  
7 suspension, nonissuance or nonrenewal of ~~an occupational,~~  
8 ~~professional, business or~~ any recreational license or permit, or  
9 permit including, but not limited to, a hunting and fishing license  
10 or other authorization issued pursuant to the Oklahoma Wildlife  
11 Conservation Code, Section 1-101 et seq. of Title 29 of the Oklahoma  
12 Statutes, and certificates of title for vessels and motors and other  
13 licenses of registration issued pursuant to the Oklahoma Vessel and  
14 Motor Registration Act, Section 4001 et seq. of Title 63 of the  
15 Oklahoma Statutes, ~~and the driving privilege of~~ or to order  
16 probation for a parent who is in noncompliance with an order for  
17 support for at least ninety (90) days or failing, after receiving  
18 appropriate notice to comply with subpoenas or warrants relating to  
19 paternity or child support proceedings.

20 SECTION 2. AMENDATORY 43 O.S. 2011, Section 139.1, as  
21 amended by Section 1, Chapter 38, O.S.L. 2014 (43 O.S. Supp. 2019,  
22 Section 139.1), is amended to read as follows:

23 Section 139.1 A. As used in this section and Section 6-201.1  
24 of Title 47 of the Oklahoma Statutes:

1        1. "Licensing board" means any bureau, department, division,  
2 board, agency or commission of this state or of a municipality in  
3 this state that issues a license;

4        2. "Noncompliance with an order for support" means that the  
5 obligor has failed to make child support payments required by a  
6 child support order in an amount equal to the child support payable  
7 for at least ninety (90) days or has failed to make full payments  
8 pursuant to a court-ordered payment plan for at least ninety (90)  
9 days or has failed to obtain or maintain health insurance coverage  
10 as required by an order for support for at least ninety (90) days or  
11 has failed, after receiving appropriate notice to comply with  
12 subpoenas or orders relating to paternity or child support  
13 proceedings or has failed to comply with an order to submit to  
14 genetic testing to determine paternity;

15        3. "Order for support" means any judgment or order for the  
16 support of dependent children or an order to submit to genetic  
17 testing to determine paternity issued by any court of this state or  
18 other state or any judgment or order issued in accordance with an  
19 administrative procedure established by state law that affords  
20 substantial due process and is subject to judicial review;

21        4. "License" means ~~a license, certificate, registration,~~  
22 ~~permit, approval or other similar document issued by a licensing~~  
23 ~~board granting to an individual a right or privilege to engage in a~~  
24 ~~profession, occupation, or business, or any recreational license or~~

1 permit including, but not limited to, a hunting and fishing license  
2 or other authorization issued pursuant to the Oklahoma Wildlife  
3 Conservation Code, or certificates of title for vessels and motors  
4 and other licenses or registrations issued pursuant to the Oklahoma  
5 Vessel and Motor Registration Act, ~~or a driver license or other~~  
6 ~~permit issued pursuant to Title 47 of the Oklahoma Statutes;~~

7 5. "Obligor" means the person who is required to make payments  
8 or comply with other provisions of an order for support;

9 6. "Oklahoma Child Support Services (OCSS)" means the state  
10 agency designated to administer a statewide plan for child support  
11 pursuant to Section 237 of Title 56 of the Oklahoma Statutes;

12 7. "Person entitled" means:

13 a. a person to whom a support debt or support obligation  
14 is owed,

15 b. the OCSS or a public agency of another state that has  
16 the right to receive current or accrued support  
17 payments or that is providing support enforcement  
18 services, or

19 c. a person designated in a support order or as otherwise  
20 specified by the court; and

21 8. "Payment plan" includes, but is not limited to, a plan  
22 approved by the court that provides sufficient security to ensure  
23 compliance with a support order and/or that incorporates voluntary  
24 or involuntary income assignment or a similar plan for periodic

1 payment on an arrearage and, if applicable, current and future  
2 support.

3 B. 1. Except as otherwise provided by this subsection, the  
4 district courts of this state are hereby authorized to order the  
5 revocation, suspension, nonissuance or nonrenewal of a license or  
6 the placement of the obligor on probation who is in noncompliance  
7 with an order for support.

8 ~~2. If the obligor is a licensed attorney, the court may report~~  
9 ~~the matter to the State Bar Association to revoke or suspend the~~  
10 ~~professional license of the obligor or other appropriate action in~~  
11 ~~accordance with the rules of professional conduct and disciplinary~~  
12 ~~proceedings.~~

13 ~~3. Pursuant to Section 6-201.1 of Title 47 of the Oklahoma~~  
14 ~~Statutes, the district or administrative courts of this state are~~  
15 ~~hereby authorized to order the revocation or suspension of a driver~~  
16 ~~license of an obligor who is in noncompliance with an order of~~  
17 ~~support.~~

18 4. The remedy under this section is in addition to any other  
19 enforcement remedy available to the court.

20 C. 1. At any hearing involving the support of a child, if the  
21 district court finds evidence presented at the hearing that an  
22 obligor is in noncompliance with an order for support and the  
23 obligor is licensed by any licensing board, the court, in addition  
24 to any other enforcement action available, may suspend or revoke the

1 license of the obligor who is in noncompliance with the order of  
2 support or place the obligor on probation pursuant to paragraph 2 of  
3 this subsection.

4 2. a. To be placed on probation, the obligor shall agree to  
5 a payment plan to:

6 (1) make all future child support payments as  
7 required by the current order during the period  
8 of probation, and

9 (2) pay the full amount of the arrearage:

10 (a) by lump sum by a date certain, if the court  
11 determines the obligor has the ability, or

12 (b) by making monthly payments in addition to  
13 the monthly child support amount pursuant  
14 to Section 137 of this title.

15 b. The payments required to be made pursuant to this  
16 section shall continue until the child support  
17 arrearage and interest which was the subject of the  
18 license revocation action have been paid in full.

19 3. ~~If the obligor is placed on probation, the obligor shall be~~  
20 ~~allowed to practice or continue to practice the profession,~~  
21 ~~occupation or business of the obligor, or to operate a motor~~  
22 ~~vehicle.~~ If the court orders probation, the appropriate licensing  
23 board shall not be notified and no action is required of that board.

24

1           4. Probation shall be conditioned upon full compliance with the  
2 order. If the court grants probation, the probationary period shall  
3 not exceed three (3) years.

4           5. If the obligor is placed on probation, the obligee or OCSS  
5 may request a hearing at any time to review the status of the  
6 obligor's compliance with the payment plan and to request immediate  
7 suspension or revocation of the obligor's license. The obligor  
8 shall be served with notice of the hearing by regular mail to the  
9 obligor's address of record pursuant to Section 112A of this title.

10          6. If, by the completion of time allotted for the probationary  
11 period, the obligor has failed to fully comply with the terms of  
12 probation, the licenses of the obligor shall be automatically  
13 suspended or revoked without further hearing. If the licenses of  
14 the obligor are suspended or revoked, the obligor may thereafter  
15 apply for reinstatement in compliance with subsection D or E of this  
16 section.

17          D. When all support due is paid in full and the obligor has  
18 complied with all other provisions of the order for support, the  
19 obligor, the obligee or OCSS may file a motion with the court for  
20 reinstatement of the obligor's licenses or termination of probation  
21 and the motion shall be set for hearing. If the court finds the  
22 obligor has paid all support due in full and has complied with all  
23 other provisions of the order for support, the court shall reinstate  
24 the obligor's licenses or terminate the probation.

1 E. 1. An obligor whose licenses have been suspended or revoked  
2 may file a motion with the court for reinstatement of the licenses  
3 of the obligor prior to payment in full of all support due and the  
4 motion shall be set for hearing.

5 2. The court may reinstate the licenses of the obligor if the  
6 obligor has:

- 7 a. paid the current child support and the monthly  
8 arrearage payments each month for the current month  
9 and two (2) months immediately preceding, or paid an  
10 amount equivalent to three (3) months of child support  
11 and arrearage payments which satisfies the current  
12 child support and monthly arrearage payments for the  
13 current month and two (2) months immediately  
14 preceding,
- 15 b. disclosed all information regarding health insurance  
16 availability and obtained and maintained health  
17 insurance coverage required by an order for support,
- 18 c. complied with all subpoenas and orders relating to  
19 paternity or child support proceedings,
- 20 d. complied with all orders to submit to genetic testing  
21 to determine paternity, and
- 22 e. disclosed all employment and address information.

23 3. If the court terminates the order of suspension, revocation,  
24 nonissuance or nonrenewal, it shall place the obligor on probation,

1 conditioned upon compliance with any payment plan and the provisions  
2 of the order for support.

3 4. If the obligor fails to comply with the terms of probation,  
4 the court may refuse to reinstate the licenses ~~and driving~~  
5 ~~privileges~~ of the obligor unless the obligor makes additional  
6 payments in an amount determined by the court to be sufficient to  
7 ensure future compliance, and the obligor complies with the other  
8 terms set by the court.

9 F. The obligor shall serve on the custodian or the state a copy  
10 of the motion for reinstatement of the licenses of the obligor and  
11 notice of hearing pursuant to Section 2005 of Title 12 of the  
12 Oklahoma Statutes, or if there is an address of record, by regular  
13 mail to the address of record on file with the central case registry  
14 pursuant to Section 112A of this title. When child support services  
15 are being provided pursuant to Section 237 of Title 56 of the  
16 Oklahoma Statutes, the obligor shall serve a copy of the motion for  
17 reinstatement of the licenses of the obligor on OCSS.

18 G. If the court orders termination of the order of suspension  
19 or revocation, the obligor shall send a copy of the order  
20 reinstating the licenses of the obligor to the licensing board, the  
21 custodian and OCSS when child support services are being provided  
22 pursuant to Section 237 of Title 56 of the Oklahoma Statutes.

23 H. Entry of this order does not limit the ability of the court  
24 to issue a new order requiring the licensing board to revoke or

1 suspend the license of the same obligor in the event of another  
2 delinquency or failure to comply.

3 I. Upon receipt of a court order to suspend or revoke the  
4 license of an obligor, the licensing board shall comply with the  
5 order by:

6 1. Determining if the licensing board has issued a license to  
7 the individual whose name appears on the order for support;

8 2. Notifying the obligor of the suspension or revocation;

9 3. Demanding surrender of the license, if required;

10 4. Entering the suspension or revocation of the license on the  
11 appropriate records; and

12 5. Reporting the suspension or revocation of the license as  
13 appropriate.

14 J. Upon receipt of a court order to not issue or not renew the  
15 license of an obligor, the licensing board shall implement by:

16 1. Determining if the licensing board has received an  
17 application for issuance or renewal of a license from the individual  
18 whose name appears on the order of support;

19 2. Notifying the obligor of the nonissuance or nonrenewal; and

20 3. Entering the nonissuance or nonrenewal of the license as  
21 appropriate.

22 K. An order, issued by the court, directing the licensing board  
23 to suspend, revoke, not issue or not renew the license of the  
24 obligor shall be processed and implemented by the licensing board

1 without any additional review or hearing and shall continue until  
2 the court or appellate court advises the licensing board by order  
3 that the suspension, revocation, nonissuance or nonrenewal is  
4 terminated.

5 L. The licensing board has no jurisdiction to modify, remand,  
6 reverse, vacate, or stay the order of the court for the suspension,  
7 revocation, nonissuance or nonrenewal of a license.

8 M. In the event of suspension, revocation, nonissuance or  
9 nonrenewal of a license, any funds paid by the obligor to the  
10 licensing board for costs related to issuance, renewal, or  
11 maintenance of a license shall not be refunded to the obligor.

12 N. A licensing board may charge the obligor a fee to cover the  
13 administrative costs incurred by the licensing board to administer  
14 the provisions of this section. Fees collected pursuant to this  
15 section by a licensing board which has an agency revolving fund  
16 shall be deposited in the agency revolving fund for the use by the  
17 licensing board to pay the costs of administering this section.  
18 Otherwise, the administrative costs shall be deposited in the  
19 General Revenue Fund of the state.

20 O. Each licensing board shall promulgate rules necessary for  
21 the implementation and administration of this section.

22 P. The licensing board is exempt from liability to the obligor  
23 for activities conducted in compliance with Section 139 et seq. of  
24 this title.

1 Q. ~~The provisions of this section may be used to revoke or~~  
2 ~~suspend the licenses and driving privileges of the custodian of a~~  
3 ~~child who fails to comply with an order to submit to genetic testing~~  
4 ~~to determine paternity.~~

5 R. A final order entered pursuant to this section may be  
6 appealed to the Supreme Court of Oklahoma pursuant to Section 990A  
7 of Title 12 of the Oklahoma Statutes.

8 SECTION 3. REPEALER 47 O.S. 2011, Section 6-201.1, is  
9 hereby repealed.

10 SECTION 4. This act shall become effective November 1, 2020.

11  
12 57-2-4136 TEK 5/12/2020 4:22:53 PM  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24