

Introduced by

Senators Grabinger, Hogue, Nelson

Representatives Karls, Klemin, M. Nelson

1 A BILL ~~for an Act to amend and reenact section 14-08.1-07 of the North Dakota Century Code,~~
2 ~~relating to notice of motor vehicle operator's license restriction for nonpayment of child support.~~
3 for an Act to create and enact a new subsection to section 50-09-08.6 of the North Dakota
4 Century Code, relating to notice of a motor vehicle operator's license restriction for nonpayment
5 of child support.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 ~~— **SECTION . AMENDMENT.** Section 14-08.1-07 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~— **14-08.1-07. Suspension**Restriction of motor vehicle operator's license for~~
10 ~~**nonpayment of child support or failure to obey subpoena.**~~

11 ~~— When considering a contempt citation against a child support obligor who is in arrears in~~
12 ~~child support in an amount greater than three times the monthly child support obligation and the~~
13 ~~obligor is not current in a court established plan to repay the unpaid child support arrears, or~~
14 ~~who has failed, after receiving appropriate notice, to comply with a subpoena relating to a~~
15 ~~paternity or child support matter, the court shall determine whether the obligor has a motor~~
16 ~~vehicle operator's license issued under chapter 39-06. The court may restrict or suspend a~~
17 ~~motor vehicle operator's license issued by the state which is held by the obligor. A court order to~~
18 ~~restrict a motor vehicle operator's license under this section must provide the obligor with at~~
19 ~~least two weeks actual notice of the impending restriction. The court shall notify the department~~
20 ~~of transportation of the court's decision to restrict or suspend an obligor's motor vehicle~~
21 ~~operator's license. The department of transportation shall give the obligor notice of the court's~~
22 ~~decision to restrict the obligor's motor vehicle license by certified mail no later than two weeks~~
23 ~~before the restriction becomes effective. An appeal by an obligor who has had a motor vehicle~~
24 ~~operator's license restricted or suspended under this section is an appeal from the court's order~~

1 ~~and may not be appealed to the department of transportation. Except for statistical purposes, an~~
2 ~~entry on the driving record or abstract of a restriction or suspension under this section after the~~
3 ~~restriction or suspension ceases may not be available to the public other than by order of a~~
4 ~~court of competent jurisdiction. A suspension under this section is not subject to the financial~~
5 ~~responsibility reporting requirements.~~

6 **SECTION 1.** A new subsection to section 50-09-08.6 of the North Dakota Century Code is
7 created and enacted as follows:

8 The state agency may not suspend a motor vehicle operator's license without
9 providing written notice to the licensee as to how the licensee may obtain a restricted
10 operator's license under this section for use of a motor vehicle during the licensee's
11 normal working hours.