Sixty-fifth Legislative Assembly of North Dakota

SENATE BILL NO. 2281

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.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

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 amended and reenacted as follows:

14-08.1-07. SuspensionRestriction of motor vehicle operator's license for nonpayment of child support or failure to obey subpoena.

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

1

3

4 5

6

7 8

9

10 11

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

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

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