S T A T E O F N E W Y O R K

7058

I N S E N A T E

March 10, 2010

Introduced by Sens. PADAVAN, GOLDEN, LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to establishing procedures for obtaining from phone companies information regarding individuals who are delinquent in child support payments; and to amend the social services law, the domestic relations law, the family court act and the vehicle and traffic law, in relation to providing for the suspension of motor vehicle registrations for non-payment of child support obligations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subparagraph (i) of paragraph (b) of subdivision 1 and subdivision 2 of section 111-s of the social services law, as added by chapter 398 of the laws of 1997, are amended and a new subdivision 3 is added to read as follows:

(i) pursuant to an administrative subpoena authorized by section one hundred eleven-p of this title, the names, addresses, telephone numbers, SOCIAL SECURITY NUMBERS and dates of birth of such individuals, and the names and addresses of the employers of such individuals, as appearing in customer records of public utilities companies and corporations, including, but not limited to, cable television, gas, electric, steam, and telephone companies and corporations, as defined in section two of the public service law, doing business within the state of New York, AND PROVIDERS OF MOBILE, CELLULAR OR SATELLITE TELEPHONE SERVICES AND PROVIDERS OF ELECTRONIC DIGITAL PAGER COMMUNICATION DOING BUSINESS IN THE STATE; and

2. Notwithstanding any other provision of law to the contrary, any government or private entity to which a request for access to information is directed pursuant to [subdivision one] THE PROVISIONS of this section, is authorized and required to comply with such request. To the extent feasible, access to such information shall be requested and provided using automated systems. Any government or private entity which discloses information pursuant to this section shall not be liable

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD16299-01-0

under any federal or state law to any person for such disclosure, or for any other action taken in good faith to comply with this subdivision.

3. (A) ADMINISTRATIVE SUBPOENAS SERVED ON TELEPHONE CORPORATIONS, PROVIDERS OF MOBILE, CELLULAR OR SATELLITE TELEPHONE SERVICES AND PROVIDERS OF ELECTRONIC DIGITAL PAGER COMMUNICATION PURSUANT TO PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION MAY REQUIRE THE PROVISION OF INFORMATION PERTAINING TO MORE THAN ONE INDIVIDUAL. FOR EACH INDIVIDUAL AS TO WHOM INFORMATION IS SOUGHT, THE SUBPOENA SHALL SPECIFY AT LEAST THREE OF THE FOLLOWING DATA ELEMENTS REGARDING THE INDIVIDUAL:

(I) FIRST AND LAST NAME, AND MIDDLE INITIAL, IF KNOWN;

(II) SOCIAL SECURITY NUMBER;

(III) DRIVER'S LICENSE NUMBER;

(IV) BIRTH DATE;

(V) LAST KNOWN ADDRESS;

(VI) SPOUSE'S NAME.

(B) SUBPOENAS ISSUED PURSUANT TO THIS SUBDIVISION MAY BE TRANSMITTED ELECTRONICALLY IN SUCH FORM AS DETERMINED BY THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE. THE TRANSMITTAL SHALL BE DEEMED TO BE AN ADMINISTRATIVE SUBPOENA AUTHORIZED BY SECTION ONE HUNDRED ELEVEN-P OF THIS TITLE.

(C) THE DEPARTMENT AND THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL CONSULT WITH THE INTENDED RECIPIENTS OF SUBPOENAS ISSUED PURSUANT TO THIS SUBDIVISION FOR THE PURPOSE OF DEVELOPING AN AUTOMATED DATA MATCHING SYSTEM WHEREBY INFORMATION PROVIDED IN RESPONSE TO SUBPOENAS COULD BE PROVIDED ELECTRONICALLY. ALL TELEPHONE CORPORATIONS, PROVIDERS OF MOBILE, CELLULAR OR SATELLITE TELEPHONE SERVICES AND PROVIDERS OF ELECTRONIC DIGITAL PAGER COMMUNICATION DOING BUSINESS IN THIS STATE SHALL COOPERATE IN THE DEVELOPMENT OF SUCH SYSTEM. UPON IMPLEMENTATION OF THE AUTOMATED SYSTEM, ALL RESPONSES TO SUBPOENAS ISSUED PURSUANT TO THIS SUBDIVISION SHALL UTILIZE THE SYSTEM.

(D) INFORMATION OBTAINED UNDER THIS SUBDIVISION SHALL BE CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO PERSONS OR AGENCIES OTHER THAN THOSE ENTITLED TO SUCH INFORMATION WHEN SUCH DISCLOSURE IS NECESSARY FOR THE PROPER ADMINISTRATION OF THE CHILD SUPPORT ENFORCEMENT PROGRAM PURSUANT TO THIS TITLE. THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL ENSURE THAT CUSTOMER SERVICE INFORMATION SUPPLIED PURSUANT TO THIS SUBDIVISION IS APPLICABLE TO THE INDIVIDUAL WHO IS BEING SOUGHT BEFORE RELEASING THE INFORMATION.

(E) THE RECIPIENT OF A SUBPOENA PURSUANT TO THIS SUBDIVISION MAY CHARGE A FEE TO THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE FOR EACH SEARCH PERFORMED PURSUANT TO THIS SUBDIVISION TO COVER THE ACTUAL COSTS TO THE RECIPIENT FOR PROVIDING THIS INFORMATION.

(F) THE COMMISSIONER OF TEMPORARY AND DISABILITY ASSISTANCE SHALL PROMULGATE SUCH RULES AND REGULATIONS AS HE OR SHE DEEMS NECESSARY TO GIVE EFFECT TO THE PROVISIONS OF THIS SUBDIVISION.

S 2. Subdivision 12 of section 111-b of the social services law, as added by chapter 81 of the laws of 1995, subparagraph 1 of paragraph (b) as amended by chapter 624 of the laws of 2002, and paragraph (d) as amended by chapter 309 of the laws of 1996, is amended to read as follows:

12. (a) The department, through the commissioner, shall enter into the agreement provided for in section five hundred ten of the vehicle and traffic law and is authorized to furnish to the commissioner of motor vehicles such information and to take such actions as may be necessary to carry out the agreement provided for in such section, for the

enforcement of child support orders through the suspension of delinquent obligors' driving privileges OR PRIVILEGE TO REGISTER A MOTOR VEHICLE.

(b) (1) When a support obligor who is or was under a court order to pay child support or combined child and spousal support to a support collection unit on behalf of persons receiving services under this title has accumulated support arrears equivalent to or greater than the amount of support due pursuant to such order for a period of four months, the office of temporary and disability assistance shall notify the support obligor in writing that his or her continued failure to pay the support arrears shall result in notification to the department of motor vehicles to suspend the support obligor's driving privileges OR PRIVILEGE TO REGISTER A MOTOR VEHICLE unless the support obligor complies with the requirements set forth in paragraph (e) of this subdivision. For purposes of determining whether a support obligor has accumulated support arrears equivalent to or greater than the amount of support due for a period of four months, the amount of any retroactive support, other than periodic payments of retroactive support which are past due, shall not be included in the calculation of support arrears pursuant to this section; however, if at least four months of support arrears have accumulated subsequent to the date of the court order, the entire amount of any retroactive support may be collected pursuant to the provisions of this subdivision or as otherwise authorized by law.

(2) The department shall provide the notice required by subparagraph one of this paragraph by first class mail to the support obligor's last known address or such other place where the support obligor is likely to receive notice, or in the same manner as a summons may be served. Forty-five days after the date of such notice, if the support obligor has not challenged the determination of the support collection unit pursuant to subparagraph one of paragraph (d) of this subdivision or if the support obligor has failed to satisfy the arrears/past due support or to otherwise comply with the requirements set forth in paragraph (e) of this subdivision, the department shall notify the department of motor vehicles that the support obligor's driving privileges OR PRIVILEGE TO REGISTER A MOTOR VEHICLE are to be suspended pursuant to section five hundred ten of the vehicle and traffic law. Upon the support obligor's compliance with the provisions of paragraph (e) of this subdivision, the department shall advise the department of motor vehicles within five business days that the suspension of the support obligor's driving privileges OR PRIVILEGE TO REGISTER A MOTOR VEHICLE shall be terminated. If the support obligor appears in person at the support collection unit to satisfy the requirements of paragraph (e) of this subdivision, the support collection unit shall immediately provide a notice of compliance to the support obligor, in addition to the notice sent directly to the department of motor vehicles.

(3) Notwithstanding the requirements of this subdivision, no notice shall be issued by the department pursuant to subparagraph one of this paragraph to a support obligor from whom support payments are being received by the support collection unit as a result of an income execution or an income deduction order issued pursuant to section five thousand two hundred forty-one or five thousand two hundred forty-two of the civil practice law and rules.

(c) The notice provided to a support obligor by the department pursuant to paragraph (b) of this subdivision shall contain the caption of the order of support, the date the order of support was entered, the court in which it was entered, the amount of the periodic payments

directed, and the amount of arrears/past due support. In addition, the notice shall include:

(1) an explanation of the action required pursuant to paragraph (e) of this subdivision to be taken by the support obligor to avoid the suspension of his or her driving privileges OR PRIVILEGE TO REGISTER A MOTOR VEHICLE;

(2) a statement that forty-five days after the date of the notice, the department of motor vehicles will be notified to suspend the support obligor's driving privileges OR PRIVILEGE TO REGISTER A MOTOR VEHICLE unless the support obligor may challenge the support collection unit's determination as set forth in paragraph (d) of this subdivision within forty-five days of the date of such notice; a statement of the manner in which the support obligor may challenge the determination, and a statement that if the support obligor challenges the determination, a review will be completed by the support collection unit within seventy-five days of the date of the notice;

(3) a statement that if the support obligor does not challenge the support collection unit's determination then the department of motor vehicles shall be notified to suspend the support obligor's driving privileges OR PRIVILEGE TO REGISTER A MOTOR VEHICLE unless the support obligor contacts the support collection unit to arrange for full payment or commencement of satisfactory payment arrangements on the arrears/past due support, or to comply otherwise with the requirements set forth in paragraph (e) of this subdivision, within forty-five days of the date of the notice;

(4) the address and telephone number of the support collection unit that the support obligor may contact to request information about a challenge or to comply with the requirements set forth in paragraph (e) of this subdivision;

(5) a statement that the suspension of driving privileges OR PRIVILEGE TO REGISTER A MOTOR VEHICLE will continue until the support obligor pays the support arrears or complies otherwise with the requirements set forth in paragraph (e) of this subdivision; and

(6) a statement printed in boldface type that the support obligor's intentional submission of false written statements to the support collection unit for the purpose of frustrating or defeating the lawful enforcement of support obligations is punishable pursuant to section 175.35 of the penal law.

(d) (1) A support obligor may challenge in writing the correctness of the determination of the support collection unit that the obligor's driving privileges OR PRIVILEGE TO REGISTER A MOTOR VEHICLE should be suspended, and in support of the challenge may submit documentation demonstrating mistaken identity, error in calculation of arrears, financial exemption from license suspension pursuant to the conditions enumerated in paragraph (e) of this subdivision, the absence of an underlying court order to support such determination, or other reason that the person is not subject to such determination. Such documents may include but are not limited to a copy of the order of support pursuant to which the obligor claims to have made payment, other relevant court orders, copies of cancelled checks, receipts for support payments, pay stubs or other documents identifying wage withholding, and proof of identity. The support collection unit shall review the documentation submitted by the support obligor, shall adjust the support obligor's account if appropriate, and shall notify the support obligor of the results of the review initiated in response to the challenge within seventy-five days from the date of the notice required by paragraph (b)

of this subdivision. If the support collection unit's review indicates that the determination to suspend driving privileges OR PRIVILEGE TO REGISTER A MOTOR VEHICLE was correct, the support collection unit shall notify the support obligor of the results of the review and that the support obligor has thirty-five days from the date of mailing of such notice to satisfy the full amount of the arrears or commence payment of the arrears/past due support as specified in paragraph (e) of this subdivision and if the support obligor fails to do so, the support collection unit shall notify the department of motor vehicles to suspend the support obligor's driving privileges OR PRIVILEGE TO REGISTER A MOTOR VEHICLE pursuant to section five hundred ten of the vehicle and traffic law. The support obligor shall be further notified that if the support obligor files objections with the family court and serves these objections on the support collection unit within thirty-five days from the date of mailing of the notice denying the challenge pursuant to subdivision five of section four hundred fifty-four of the family court act, the support collection unit shall not notify the department of motor vehicles to suspend the support obligor's driving privileges OR PRIVILEGE TO REGISTER A MOTOR VEHICLE until fifteen days after entry of [judgement] JUDGMENT by the family court denying the objections.

(2) A support obligor may within thirty-five days of mailing of the notice denying his or her challenge by the support collection unit request that the family court review the support collection unit's determination pursuant to subdivision five of section four hundred fifty-four of the family court act. If the support obligor requests the family court to review the determination of the support collection unit, the support collection unit shall not notify the department of motor vehicles to suspend the support obligor's driving privileges OR PRIVILEGE TO REGISTER A MOTOR VEHICLE until fifteen days after mailing of a copy of the judgment by the family court to the support obligor denying the objections.

(e) A support obligor who has received a notice that his or her driving privileges OR PRIVILEGE TO REGISTER A MOTOR VEHICLE shall be suspended may avoid the suspension by:

(1) making full payment of all arrears/past due support to the support collection unit; or

(2) making satisfactory payment arrangements with the support collection unit for payment of the arrears/past due support and the current support obligation. "Satisfactory payment arrangements" shall mean:

(i) execution of a confession of judgment for the total balance of the arrears/past due support; and

(ii) execution of a verified statement of net worth on a form prescribed by the commissioner setting forth the obligor's income from all sources, liquid assets and holdings, copies of the obligor's drivers license, most recent federal and state tax return, and a representative pay stub, and an eighteen month employment history; and

(iii) execution and verification of a stipulation that the obligor will notify the support collection unit of all future changes of address until such time as the obligation to pay support is terminated; and

(iv) payment of support to the support collection unit by income execution pursuant to section five thousand two hundred forty-one of the civil practice law and rules, which shall include deductions sufficient to ensure compliance with the direction in the order of support and shall include an additional amount to be applied to the reduction of arrears as required by subdivision (b) of such section, or by execution

of an agreement for payment of the arrears/past due support and any current support directly to the support collection unit in an amount which is consistent with that which would have been made under such an income execution; provided however, that where the support obligor fails to comply with the agreement, he/she may avoid or terminate the suspension of driving privileges OR PRIVILEGE TO REGISTER A MOTOR VEHICLE only by making at least fifty percent payment of all arrears/past due support to the support collection unit and in addition, entering into a payment plan pursuant to this subdivision with the support collection unit within fifteen days. However, in any case when the support obligor fails to comply with a payment plan as described herein more than once within twelve months, the obligor must pay the balance of all arrears/past due support to avoid or terminate license suspension OR REGISTRATION SUSPENSION. "Failure to comply" for these purposes shall mean missing payments in an amount equivalent to four months of support under the payment plan, unless the support obligor demonstrates that he or she has filed a petition for modification that is pending; or

(3) providing documentation that shows the support obligor is receiving public assistance or supplemental security income; or

(4) providing to the support collection unit the documentation required by clauses (i) through (iii) of subparagraph two of this paragraph, where such documentation is sufficient for the support collection unit to determine:

(i) that the support obligor's income, as defined by subparagraph five of paragraph (b) of subdivision one of section four hundred thirteen of the family court act, falls below the self-support reserve as defined by subparagraph six of paragraph (b) of subdivision one of section four hundred thirteen of the family court act; or

(ii) that the amount of the support obligor's income, as defined by subparagraph five of paragraph (b) of subdivision one of section four hundred thirteen of the family court act, remaining after the payment of the current support obligation would fall below the self-support reserve as defined by subparagraph six of paragraph (b) of subdivision one of section four hundred thirteen of the family court act.

(f) A support obligor who alleges that he or she has not received actual notice pursuant to paragraph one of subdivision (b) of this section and whose driving privileges OR PRIVILEGE TO REGISTER A MOTOR VEHICLE were suspended may at any time request a review pursuant to subdivision (d) of this section or comply with the requirements of subdivision (e) of this section, and upon a determination that he or she has not accumulated support arrears equivalent to or greater than the amount of support due for a period of four months or that he or she meets the requirements of subdivision (e) of this section, the department shall notify the department of motor vehicles that the suspension of driving privileges shall be terminated.

S 3. Section 244-b of the domestic relations law, as added by chapter 81 of the laws of 1995, the section heading and subdivision (c) as amended, subdivision (b) as added and subdivision (d) as relettered by chapter 398 of the laws of 1997 and subdivision (a) as amended by chapter 624 of the laws of 2002, is amended to read as follows:

S 244-b. Child support proceedings and enforcement of arrears; suspension of driving privileges AND MOTOR VEHICLE REGISTRATION. (a) In any proceeding for the enforcement of a direction or agreement, incorporated in a judgment or order, to pay any sum of money as child support or combined child and spousal support, if the court is satisfied by competent proof that the respondent has accumulated support arrears equiv-

alent to or greater than the amount of support due pursuant to such judgment or order for a period of four months, the court may order the department of motor vehicles to suspend the respondent's driving privileges OR MOTOR VEHICLE REGISTRATION, and if such order issues, the respondent may apply to the department of motor vehicles for a restricted use license pursuant to section five hundred thirty of the vehicle and traffic law. IF THE RESPONDENT HAS ACCUMULATED SUPPORT ARREARS EQUIVALENT TO OR GREATER THAN THE AMOUNT OF SUPPORT DUE PURSUANT TO COURT ORDER FOR A PERIOD OF FOUR MONTHS, THE COURT MAY ORDER THE DEPARTMENT OF MOTOR VEHICLES TO SUSPEND THE REGISTRATION OF THE RESPONDENT'S MOTOR VEHICLE. The court may at any time upon payment of arrears or partial payment of arrears by the respondent order the department of motor vehicles to terminate the suspension of respondent's driving privileges OR MOTOR VEHICLE REGISTRATION. For purposes of determining whether a support obligor has accumulated support arrears equivalent to or greater than the amount of support due for a period of four months, the amount of any retroactive support, other than periodic payments of retroactive support which are past due, shall not be included in the calculation of support arrears pursuant to this section.

(b) If the respondent, after receiving appropriate notice, fails to comply with a summons, subpoena or warrant relating to a paternity or child support proceeding, the court may order the department of motor vehicles to suspend the respondent's driving privileges OR SUSPEND THE RESPONDENT'S MOTOR VEHICLE REGISTRATION. The court may subsequently order the department of motor vehicles to terminate the suspension of the respondent's driving privileges OR THE SUSPENSION OF THE RESPONDENT'S MOTOR VEHICLE REGISTRATION; however, the court shall order the termination of such suspension when the court is satisfied that the respondent has fully complied with all summonses, subpoenas and warrants relating to a paternity or child support proceeding.

(c) The provisions of subdivision (a) of this section shall not apply to:

(i) respondents who are receiving public assistance or supplemental security income; or

(ii) respondents whose income as defined by subparagraph five of paragraph (b) of subdivision one-b of section two hundred forty of this [chapter] ARTICLE falls below the self-support reserve as defined by subparagraph six of paragraph (b) of subdivision one-b of section two hundred forty of this [chapter] ARTICLE; or

(iii) respondents whose income as defined by subparagraph five of paragraph (b) of subdivision one-b of section two hundred forty of this [chapter] ARTICLE remaining after the payment of the current support obligation would fall below the self-support reserve as defined by subparagraph six of paragraph (b) of subdivision one-b of section two hundred forty of this [chapter] ARTICLE.

(d) The court's discretionary decision not to suspend driving privileges OR MOTOR VEHICLE REGISTRATION shall not have any res judicata effect or preclude any other agency with statutory authority to direct the department of motor vehicles to suspend driving privileges OR MOTOR VEHICLE REGISTRATION.

(E) AS USED IN THIS SECTION, "MOTOR VEHICLE" SHALL HAVE THE MEANING SET FORTH IN SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW.

S 4. Section 458-a of the family court act, as added by chapter 81 of the laws of 1995, subdivision (a) as amended by chapter 624 of the laws of 2002 and subdivision (b) as added, subdivision (c) as amended and

subdivision (d) as relettered by chapter 398 of the laws of 1997, is amended to read as follows:

S 458-a. Enforcement of arrears; Suspension of driving privileges OR MOTOR VEHICLE REGISTRATION. (a) If the respondent has accumulated support arrears equivalent to or greater than the amount of support due pursuant to court order for a period of four months, the court may order the department of motor vehicles to suspend the respondent's driving privileges, and if such order issues, the respondent may apply to the department of motor vehicles for a restricted use license pursuant to section five hundred thirty of the vehicle and traffic law. IF THE RESPONDENT HAS ACCUMULATED SUPPORT ARREARS EQUIVALENT TO OR GREATER THAN THE AMOUNT OF SUPPORT DUE PURSUANT TO COURT ORDER FOR A PERIOD OF FOUR MONTHS, THE COURT MAY ORDER THE DEPARTMENT OF MOTOR VEHICLES TO SUSPEND THE REGISTRATION OF THE RESPONDENT'S MOTOR VEHICLE. The court may at any time upon payment of arrears or partial payment of arrears by the respondent order the department of motor vehicles to terminate the suspension of respondent's driving privileges OR MOTOR VEHICLE REGISTRATION. For purposes of determining whether a support obligor has accumulated support arrears equivalent to or greater than the amount of support due for a period of four months, the amount of any retroactive support, other than periodic payments of retroactive support which are past due, shall not be included in the calculation of support arrears pursuant to this section.

(b) If the respondent, after receiving appropriate notice, fails to comply with a summons, subpoena or warrant relating to a paternity or child support proceeding, the court may order the department of motor vehicles to suspend the respondent's driving privileges OR SUSPEND THE RESPONDENT'S MOTOR VEHICLE REGISTRATION. The court may subsequently order the department of motor vehicles to terminate the suspension of the respondent's driving privileges OR THE SUSPENSION OF THE RESPONDENT'S MOTOR VEHICLE REGISTRATION; however, the court shall order the termination of such suspension when the court is satisfied that the respondent has fully complied with the requirements of all summonses, subpoenas and warrants relating to a paternity or child support proceeding. Nothing in this subdivision shall authorize the court to terminate the respondent's suspension of driving privileges OR SUSPENSION OF THE RESPONDENT'S MOTOR VEHICLE REGISTRATION except as provided in this subdivision.

(c) The provisions of subdivision (a) of this section shall not apply to:

(i) respondents who are receiving public assistance or supplemental security income; or

(ii) respondents whose income as defined by subparagraph five of paragraph (b) of subdivision one of section four hundred thirteen of this [act] ARTICLE falls below the self-support reserve as defined by subparagraph six of paragraph (b) of subdivision one of section four hundred thirteen of this [act] ARTICLE; or

(iii) respondents whose income as defined by subparagraph five of paragraph (b) of subdivision one of section four hundred thirteen of this [act] ARTICLE remaining after the payment of the current support obligation would fall below the self-support reserve as defined by subparagraph six of paragraph (b) of subdivision one of section four hundred thirteen of this [act] ARTICLE.

(d) The court's discretionary decision not to suspend driving privileges OR MOTOR VEHICLE REGISTRATION shall not have any res judicata effect or preclude any other agency with statutory authority to direct

the department of motor vehicles to suspend driving privileges OR MOTOR VEHICLE REGISTRATION.

(E) AS USED IN THIS SECTION, "MOTOR VEHICLE" SHALL HAVE THE MEANING SET FORTH IN SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW.

S 5. Paragraph (e) of subdivision 2 of section 454 of the family court act, as added by chapter 81 of the laws of 1995, is amended to read as follows:

(e) the court may suspend the respondent's driving privileges OR MOTOR VEHICLE REGISTRATION pursuant to section four hundred fifty-eight-a of this article.

S 6. Subdivision 4-e of section 510 of the vehicle and traffic law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

4-e. Suspension and disqualification for failure to make child support payments or failure to comply with a summons, subpoena or warrant relating to a paternity or child support proceeding. (1) The commissioner, on behalf of the department, shall enter into a written agreement with the commissioner of the office of temporary and disability assistance, on behalf of the office of temporary and disability assistance, which shall set forth the procedures for suspending the driving privileges OR MOTOR VEHICLE REGISTRATIONS of individuals who have failed to make payments of child support or combined child and spousal support.

(2) Such agreement shall include:

(i) the procedure under which the office of temporary and disability assistance shall notify the department of an individual's liability for support arrears;

(ii) the procedure under which the department shall be notified by the office of temporary and disability assistance that an individual has satisfied or commenced payment of his or her support arrears; or has made satisfactory payment arrangements thereon and shall have the suspension of his or her driving privileges OR MOTOR VEHICLE REGISTRATION terminated;

(iii) the procedure for reimbursement of the department and its agents by the office of temporary and disability assistance for the full additional costs of carrying out the procedures authorized by this section, and may include, subject to the approval of the director of the budget, a procedure for reimbursement of necessary additional costs of collecting social security numbers pursuant to section five hundred two of this title;

(iv) provision for the publicizing of sanctions for nonpayment of child support including the potential for the suspension of delinquent support obligors' driving privileges OR MOTOR VEHICLE REGISTRATION if they fail to pay child support or combined child and spousal support; and

(v) such other matters as the parties to such agreement shall deem necessary to carry out provisions of this section.

(3) Upon receipt of notification from the office of temporary and disability assistance of a person's failure to satisfy support arrears or to make satisfactory payment arrangements thereon pursuant to paragraph (e) of subdivision twelve of section one hundred eleven-b of the social services law or notification from a court issuing an order pursuant to section four hundred fifty-eight-a of the family court act or section two hundred forty-four-b of the domestic relations law, the commissioner or his or her agent shall suspend the license of such person to operate a motor vehicle OR SHALL SUSPEND THE REGISTRATION OF A

MOTOR VEHICLE REGISTERED IN THE NAME OF SUCH PERSON, AS APPLICABLE. In the event such person is unlicensed, such person's privilege of obtaining a license shall be suspended. IN THE EVENT SUCH PERSON DOES NOT HAVE A MOTOR VEHICLE REGISTERED IN HIS OR HER NAME, SUCH PERSON'S PRIVILEGE OF REGISTERING A MOTOR VEHICLE IN HIS OR HER NAME SHALL BE SUSPENDED. Such suspension shall take effect no later than fifteen days from the date of the notice thereof to the person whose license or privilege of obtaining a license, OR MOTOR VEHICLE REGISTRATION OR PRIVILEGE OF REGISTERING A MOTOR VEHICLE, is to be suspended, and shall remain in effect until such time as the commissioner is advised that the person has satisfied the support arrears or has made satisfactory payment arrangements thereon pursuant to paragraph (e) of subdivision twelve of section one hundred eleven-b of the social services law or until such time as the court issues an order to terminate such suspension;

(4) From the time the commissioner is notified by the office of temporary and disability assistance of a person's liability for support arrears under this section, the commissioner shall be relieved from all liability to such person which may otherwise arise under this section, and such person shall have no right to commence a court action or proceeding or to any other legal recourse against the commissioner to recover such driving privileges as authorized by this section. In addition, notwithstanding any other provision of law, such person shall have no right to a hearing or appeal pursuant to this chapter with respect to a suspension of driving privileges OR MOTOR VEHICLE REGISTRATION as authorized by this section. However, nothing herein shall be construed to prohibit such person from proceeding against the support collection unit pursuant to article seventy-eight of the civil practice law and rules.

(5) Any person whose license OR MOTOR VEHICLE REGISTRATION has been suspended pursuant to subdivision three of this section may apply for the issuance of a restricted use license as provided in section five hundred thirty of this title.

S 7. This act shall take effect immediately, provided that:

(a) the amendments to subdivision 12 of section 111-b of the social services law made by section two of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith; and

(b) the amendments to subdivision 4-e of section 510 of the vehicle and traffic law made by section six of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.