

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:

1 Section 1. Subparagraph (i) of paragraph (b) of subdivision 1 and
2 subdivision 2 of section 111-s of the social services law, as added by
3 chapter 398 of the laws of 1997, are amended and a new subdivision 3 is
4 added to read as follows:
5 (i) pursuant to an administrative subpoena authorized by section one
6 hundred eleven-p of this title, the names, addresses, telephone numbers,
7 SOCIAL SECURITY NUMBERS and dates of birth of such individuals, and the
8 names and addresses of the employers of such individuals, as appearing
9 in customer records of public utilities companies and corporations,
10 including, but not limited to, cable television, gas, electric, steam,
11 and telephone companies and corporations, as defined in section two of
12 the public service law, doing business within the state of New York, AND
13 PROVIDERS OF MOBILE, CELLULAR OR SATELLITE TELEPHONE SERVICES AND
14 PROVIDERS OF ELECTRONIC DIGITAL PAGER COMMUNICATION DOING BUSINESS IN
15 THE STATE; and
16 2. Notwithstanding any other provision of law to the contrary, any
17 government or private entity to which a request for access to informa-
18 tion is directed pursuant to [subdivision one] THE PROVISIONS of this
19 section, is authorized and required to comply with such request. To the
20 extent feasible, access to such information shall be requested and
21 provided using automated systems. Any government or private entity
22 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

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

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

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

11 (II) SOCIAL SECURITY NUMBER;

12 (III) DRIVER'S LICENSE NUMBER;

13 (IV) BIRTH DATE;

14 (V) LAST KNOWN ADDRESS;

15 (VI) SPOUSE'S NAME.

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

21 (C) THE DEPARTMENT AND THE OFFICE OF TEMPORARY AND DISABILITY ASSIST-
22 ANCE SHALL CONSULT WITH THE INTENDED RECIPIENTS OF SUBPOENAS ISSUED
23 PURSUANT TO THIS SUBDIVISION FOR THE PURPOSE OF DEVELOPING AN AUTOMATED
24 DATA MATCHING SYSTEM WHEREBY INFORMATION PROVIDED IN RESPONSE TO SUBPOE-
25 NAS COULD BE PROVIDED ELECTRONICALLY. ALL TELEPHONE CORPORATIONS,
26 PROVIDERS OF MOBILE, CELLULAR OR SATELLITE TELEPHONE SERVICES AND
27 PROVIDERS OF ELECTRONIC DIGITAL PAGER COMMUNICATION DOING BUSINESS IN
28 THIS STATE SHALL COOPERATE IN THE DEVELOPMENT OF SUCH SYSTEM. UPON
29 IMPLEMENTATION OF THE AUTOMATED SYSTEM, ALL RESPONSES TO SUBPOENAS
30 ISSUED PURSUANT TO THIS SUBDIVISION SHALL UTILIZE THE SYSTEM.

31 (D) INFORMATION OBTAINED UNDER THIS SUBDIVISION SHALL BE CONFIDENTIAL
32 AND SHALL NOT BE DISCLOSED TO PERSONS OR AGENCIES OTHER THAN THOSE ENTI-
33 TLED TO SUCH INFORMATION WHEN SUCH DISCLOSURE IS NECESSARY FOR THE PROP-
34 ER ADMINISTRATION OF THE CHILD SUPPORT ENFORCEMENT PROGRAM PURSUANT TO
35 THIS TITLE. THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL
36 ENSURE THAT CUSTOMER SERVICE INFORMATION SUPPLIED PURSUANT TO THIS
37 SUBDIVISION IS APPLICABLE TO THE INDIVIDUAL WHO IS BEING SOUGHT BEFORE
38 RELEASING THE INFORMATION.

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

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

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

51 12. (a) The department, through the commissioner, shall enter into the
52 agreement provided for in section five hundred ten of the vehicle and
53 traffic law and is authorized to furnish to the commissioner of motor
54 vehicles such information and to take such actions as may be necessary
55 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

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

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

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

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

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

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

34 (6) a statement printed in boldface type that the support obligor's
35 intentional submission of false written statements to the support
36 collection unit for the purpose of frustrating or defeating the lawful
37 enforcement of support obligations is punishable pursuant to section
38 175.35 of the penal law.

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

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

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

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

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

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

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

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

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

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

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

18 (3) providing documentation that shows the support obligor is receiv-
19 ing public assistance or supplemental security income; or

20 (4) providing to the support collection unit the documentation
21 required by clauses (i) through (iii) of subparagraph two of this para-
22 graph, where such documentation is sufficient for the support collection
23 unit to determine:

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

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

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

46 S 3. Section 244-b of the domestic relations law, as added by chapter
47 81 of the laws of 1995, the section heading and subdivision (c) as
48 amended, subdivision (b) as added and subdivision (d) as relettered by
49 chapter 398 of the laws of 1997 and subdivision (a) as amended by chap-
50 ter 624 of the laws of 2002, is amended to read as follows:

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

1 alent to or greater than the amount of support due pursuant to such
2 judgment or order for a period of four months, the court may order the
3 department of motor vehicles to suspend the respondent's driving privi-
4 leges OR MOTOR VEHICLE REGISTRATION, and if such order issues, the
5 respondent may apply to the department of motor vehicles for a
6 restricted use license pursuant to section five hundred thirty of the
7 vehicle and traffic law. IF THE RESPONDENT HAS ACCUMULATED SUPPORT
8 ARREARS EQUIVALENT TO OR GREATER THAN THE AMOUNT OF SUPPORT DUE PURSUANT
9 TO COURT ORDER FOR A PERIOD OF FOUR MONTHS, THE COURT MAY ORDER THE
10 DEPARTMENT OF MOTOR VEHICLES TO SUSPEND THE REGISTRATION OF THE RESPOND-
11 ENT'S MOTOR VEHICLE. The court may at any time upon payment of arrears
12 or partial payment of arrears by the respondent order the department of
13 motor vehicles to terminate the suspension of respondent's driving privi-
14 leges OR MOTOR VEHICLE REGISTRATION. For purposes of determining wheth-
15 er a support obligor has accumulated support arrears equivalent to or
16 greater than the amount of support due for a period of four months, the
17 amount of any retroactive support, other than periodic payments of
18 retroactive support which are past due, shall not be included in the
19 calculation of support arrears pursuant to this section.

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

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

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

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

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

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

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

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

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

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

24 (b) If the respondent, after receiving appropriate notice, fails to
25 comply with a summons, subpoena or warrant relating to a paternity or
26 child support proceeding, the court may order the department of motor
27 vehicles to suspend the respondent's driving privileges OR SUSPEND THE
28 RESPONDENT'S MOTOR VEHICLE REGISTRATION. The court may subsequently
29 order the department of motor vehicles to terminate the suspension of
30 the respondent's driving privileges OR THE SUSPENSION OF THE RESPOND-
31 ENT'S MOTOR VEHICLE REGISTRATION; however, the court shall order the
32 termination of such suspension when the court is satisfied that the
33 respondent has fully complied with the requirements of all summonses,
34 subpoenas and warrants relating to a paternity or child support proceed-
35 ing. Nothing in this subdivision shall authorize the court to terminate
36 the respondent's suspension of driving privileges OR SUSPENSION OF THE
37 RESPONDENT'S MOTOR VEHICLE REGISTRATION except as provided in this
38 subdivision.

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

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

43 (ii) respondents whose income as defined by subparagraph five of para-
44 graph (b) of subdivision one of section four hundred thirteen of this
45 [act] ARTICLE falls below the self-support reserve as defined by subpar-
46 agraph six of paragraph (b) of subdivision one of section four hundred
47 thirteen of this [act] ARTICLE; or

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

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

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

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

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

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

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

15 4-e. Suspension and disqualification for failure to make child support
16 payments or failure to comply with a summons, subpoena or warrant relat-
17 ing to a paternity or child support proceeding. (1) The commissioner, on
18 behalf of the department, shall enter into a written agreement with the
19 commissioner of the office of temporary and disability assistance, on
20 behalf of the office of temporary and disability assistance, which shall
21 set forth the procedures for suspending the driving privileges OR MOTOR
22 VEHICLE REGISTRATIONS of individuals who have failed to make payments of
23 child support or combined child and spousal support.

24 (2) Such agreement shall include:

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

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

34 (iii) the procedure for reimbursement of the department and its agents
35 by the office of temporary and disability assistance for the full addi-
36 tional costs of carrying out the procedures authorized by this section,
37 and may include, subject to the approval of the director of the budget,
38 a procedure for reimbursement of necessary additional costs of collect-
39 ing social security numbers pursuant to section five hundred two of this
40 title;

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

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

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

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

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

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

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

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

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