

HOUSE No. 5745

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 22, 1996.

The committee on Public Safety, to whom was referred the residue of the message from His Excellency the Governor recommending legislation relative to streamlining the suspension of licenses held by delinquent child support obligators (House, No. 5631) (section 2), reports recommending that the accompanying bill (House, No. 5745) ought to pass.

For the committee,

PAUL E. CARON.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Six.

AN ACT RELATIVE TO THE SUSPENSION OR REVOCATION OF CERTIFICATES OF REGISTRATION OR LICENSES TO OPERATE A MOTOR VEHICLE HELD BY DELINQUENT CHILD SUPPORT OBLIGORS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 22 of chapter 90 of the General Laws, as appearing in
2 the 1994 Official Edition, is hereby amended by striking para-
3 graph (g) in its entirety and inserting in its place the following:—

4 Upon receipt of notice, as specified by the registrar, from the
5 department of revenue that a final determination of child support
6 delinquency to suspend or prohibit issuance or renewal of a
7 license has been issued against a resident of the commonwealth or
8 any individual licensed to operate a motor vehicle under this
9 chapter, after a hearing or an opportunity therefor pursuant to sec-
10 tion sixteen of chapter one hundred and nineteen A, the registrar,
11 without opportunity for further hearing, shall suspend or prohibit
12 issuance or renewal of such license, learner's permit, right to
13 operate a motor vehicle or certificate of motor vehicle registration
14 held by such individual and forward any notice required by para-
15 graph (d) herein to such individual.

16 Notwithstanding any other provisions of this chapter, the
17 hearing provided by the department of revenue pursuant to section
18 sixteen of chapter one hundred and nineteen A shall constitute the
19 exclusive administrative remedy to contest the existence of a child
20 support arrearage which is the basis for action by the department
21 of revenue to effect the suspension, non-issuance or non-renewal
22 of a license, learner's permit, right to operate a motor vehicle or
23 certificate of motor vehicle registration. The registrar shall rein-
24 state, issue or renew such license, learner's permit or right to
25 operate a motor vehicle or permit the registration of a motor
26 vehicle if the department of revenue provides to the registrar a
27 notice, as specified by the registrar, stating that the resident or

28 other individual is in compliance with a judgment or order for
29 child support, including any agreement with or regulation issued
30 by the department of revenue governing payment of arrears, or
31 upon order by the reviewing court, if the individual is otherwise
32 entitled thereto.

33 Notices between the department of revenue and the registrar
34 under this subsection may be made in any form, including elec-
35 tronic transmission.

36 Upon exhaustion of administrative remedies provided in sec-
37 tion sixteen of chapter one hundred and nineteen A, any indi-
38 vidual aggrieved by a final determination of the department of
39 revenue as adopted or acted upon by the registrar, may seek judi-
40 cial review of the final determination issued by the department of
41 revenue in the court where the child support order was issued or
42 in the court which has jurisdiction to register the order within
43 thirty days of the date of the registrar's notice to such individual
44 that his or her license, learner's permit, right to operate a motor
45 vehicle or certificate of motor vehicle registration is subject to
46 suspension, non-issuance or non-renewal; provided, however, that
47 a request for judicial review shall be by action against the depart-
48 ment of revenue and not the registrar and shall be accompanied by
49 a copy of the department of revenue's final determination. Such
50 review shall constitute the exclusive remedy for individuals
51 aggrieved by a final determination as adopted or acted upon by
52 the registrar under section sixteen of chapter one hundred and
53 nineteen A; provided however, that such review shall not limit an
54 individual's appellate remedies. The provisions of section twenty-
55 eight of this chapter shall not apply.

