

SENATE BILL NO. 172

INTRODUCED BY M. LANG

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING DENIAL OF HUNTING, FISHING, OR TRAPPING LICENSES FOR FAILURE TO PAY CHILD SUPPORT AND OTHER SUPPORT DEBT OR SUPPORT OBLIGATION; AMENDING SECTION 40-5-701, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 40-5-701, MCA, is amended to read:

"40-5-701. Definitions. As used in this part, the following definitions apply:

(1) (a) "Child" means:

(i) a person under 18 years of age who is not emancipated, self-supporting, married, or a member of the armed forces of the United States;

(ii) a person under 19 years of age who is still in high school;

(iii) a person who is mentally or physically incapacitated when the incapacity began prior to that person reaching 18 years of age; and

(iv) in IV-D cases, a person for whom:

(A) support rights are assigned under 53-2-613;

(B) a public assistance payment has been made;

(C) the department is providing support enforcement services under 40-5-203; or

(D) the department has received a referral for IV-D services under the provisions of the Uniform Interstate Family Support Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Reciprocal Enforcement of Support Act, or Title IV-D of the Social Security Act.

(b) The term may not be construed to limit the ability of the department to enforce a support order according to its terms when the order provides for support extending beyond the time the child reaches 18 years of age.

(2) "Delinquency" means a support debt or support obligation due under a support order in an amount greater than or equal to 6 months' support payments as of the date of service of a notice of intent to suspend a license.



1 (3) "Department" means the department of public health and human services.

2 (4) "License" means a license, certificate, registration, permit, or any other authorization issued by an
3 agency of the state of Montana granting a person a right or privilege to engage in a business, occupation,
4 profession, recreational activity, or any other privilege that is subject to suspension, revocation, forfeiture,
5 termination, or a declaration of ineligibility to purchase by the licensing authority prior to its date of expiration.

6 (5) "Licensing authority" means any department, division, board, agency, or instrumentality of this state
7 that issues a license.

8 (6) "Obligee" means:

9 (a) a person to whom a support debt or support obligation is owed; or

10 (b) a public agency of this or another state or an Indian tribe that has the right to receive current or
11 accrued support payments or that is providing support enforcement services under this chapter.

12 (7) "Obligor" means a person who owes a duty of support or who is subject to a subpoena or warrant
13 in a paternity or child support proceeding.

14 (8) "Order suspending a license" means an order issued by a support enforcement entity to suspend a
15 license. The order must contain the name of the obligor, the type of license, and, if known, the social security
16 number of the obligor.

17 (9) "Payment plan" includes but is not limited to a plan approved by the support enforcement entity that
18 provides sufficient security to ensure compliance with a support order and that incorporates voluntary or
19 involuntary income withholding under part 3 or 4 of this chapter or a similar plan for periodic payment of a support
20 debt and, if applicable, current and future support.

21 (10) "Recreational activity" means an activity for which a wildlife conservation license or permit is issued
22 by the department of fish, wildlife, and parks ~~under Title 87, chapter 2, part 6 or 7, except 87-2-708 or 87-2-711,~~
23 ~~or under 87-2-505, 87-2-507, 87-2-508, or 87-2-510~~ pursuant to 87-2-201.

24 (11) "Subpoena" means a writ or order issued by a court or the department in a proceeding or as part
25 of an investigation related to the paternity or support of a child that commands a person to appear at a particular
26 place and time to testify or produce documents or things under the person's control.

27 (12) "Support debt" or "support obligation" means the amount created by the failure to provide or pay:

28 (a) support to a child under the laws of this or any other state or under a support order;

29 (b) court-ordered spousal maintenance or other court-ordered support for the child's custodial parent;

30 (c) fines, fees, penalties, interest, and other funds and costs that the support enforcement entity is

1 authorized to collect by the use of any procedure available to the entity for the payment, enforcement, and
2 collection of child support or spousal maintenance or support; or

3 (d) contributions ordered pursuant to 41-5-1525.

4 (13) "Support enforcement entity" means:

5 (a) in IV-D cases, the department; or

6 (b) in all other cases, the district court that entered the support order or a district court in which the
7 support order is registered.

8 (14) (a) "Support order" means an order that provides a determinable amount for temporary or final
9 periodic payment of a support debt or support obligation and that may include payment of a determinable or
10 indeterminable amount for insurance covering the child issued by:

11 (i) a district court of this state;

12 (ii) a court of appropriate jurisdiction of another state, an Indian tribe, or a foreign country;

13 (iii) an administrative agency pursuant to proceedings under Title 40, chapter 5, part 2; or

14 (iv) an administrative agency of another state or an Indian tribe with a hearing function and process
15 similar to those of the department.

16 (b) If an action for child support is commenced under this part and the context so requires, support order
17 also includes:

18 (i) judgments and orders providing periodic payments for the maintenance or support of the child's
19 custodial parent; and

20 (ii) amounts for the recovery of fines, fees, penalties, interest, and other funds and costs that the support
21 enforcement entity is authorized to collect by the use of any procedure available to the entity for the payment,
22 enforcement, and collection of child support or spousal maintenance or support.

23 (15) "Suspension" includes the withdrawal, withholding, revocation, forfeiture, or nonissuance of a license
24 and license privileges.

25 (16) "Warrant" means a bench warrant, a warrant to appear, an order to show cause, or any other order
26 issued by a court relating to the appearance of a party in a paternity or child support proceeding.

27 (17) "IV-D case" means a case in which the department is providing support enforcement services as
28 a result of:

29 (a) an assignment of support rights under 53-2-613;

30 (b) a payment of public assistance;

- 1 (c) an application for support enforcement services under 40-5-203; or
- 2 (d) a referral for services from an agency of another state or an Indian tribe under the provisions of the
- 3 Uniform Reciprocal Enforcement of Support Act, the Revised Uniform Reciprocal Enforcement of Support Act,
- 4 the Uniform Interstate Family Support Act, or Title IV-D of the Social Security Act."

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6 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2017.

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