

HOUSE BILL NO. 454

INTRODUCED BY P. WEBB

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A NOTICE OF INTENT TO SUSPEND A DRIVER'S LICENSE TO BE PROVIDED TO A CHILD SUPPORT OBLIGOR BY FIRST-CLASS MAIL; AMENDING SECTION 40-5-702, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 40-5-702, MCA, is amended to read:

"40-5-702. Notice of intent to suspend license. (1) Upon the petition of an obligee alleging the existence of a delinquency or upon the failure of an obligor to comply with a subpoena or warrant, a support enforcement entity may issue a notice of intent to suspend a license.

(2) The notice must be served upon the obligor personally or by ~~certified~~ mail and may:

(a) in a IV-D case, be incorporated into any notice served under Title 17, chapter 4, part 1, or Title 40, chapter 5, part 2 or 4;

(b) in all other cases, be combined with any other enforcement proceeding.

(3) The notice must state that the obligor's license will be suspended 60 days after service unless within that time the obligor:

(a) pays the entire support debt stated in the notice;

(b) enters into a payment plan approved by the support enforcement entity;

(c) complies with the subpoena or warrant; or

(d) appears and shows cause in a hearing before the support enforcement entity under 40-5-703 that suspension of a license is not appropriate.

(4) In a IV-D case, the notice must advise the obligor that hearings conducted under 40-5-703 are subject to the contested case provisions of the Montana Administrative Procedure Act."

NEW SECTION. Section 2. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.



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2 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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