



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3513

Introduced 2/16/2018, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

625 ILCS 5/7-701.5 new

Provides that the Act may be referred to the Stay of Driver's License Suspension for Child Support Arrearage Law. Amends the Illinois Vehicle Code. Includes a statement of legislative purpose. Provides that in any proceeding to enforce arrearages in child support payments or orders, the obligor shall have the right to petition the court or child support administrative body for an order to stay the suspension of driver's license ("stay order") lasting 12 months after the date of the stay order. Provides that the court or the child support administrative body shall oversee the stay order and shall review the stay order every 90 days to determine if the obligor has started to pay child support if already employed, gains employment, or has made specified efforts to gain employment. Provides that the court shall impose specified requirements. Adds other provisions governing: employment, business, or self-employment income; additional issues, temporary disability or incapacity; support order requirements; termination of stay order for noncompliance; stay order extensions; and other matters. Provides that if the new provisions are inconsistent with Sections of the Code pertaining to notice and hearing requirements currently in place for the suspension of a driver's license for nonpayment, the new provisions control.

LRB100 19859 LNS 35138 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Reference to Act. This Act may be referred to as
5 the Stay of Driver's License Suspension for Child Support
6 Arrearage Law.

7 Section 5. The Illinois Vehicle Code is amended by adding
8 Section 7-701.5 as follows:

9 (625 ILCS 5/7-701.5 new)

10 Sec. 7-701.5. Loss of driving privileges for nonpayment of
11 support; stay.

12 (a) The purposes of the Section are:

13 (1) To safeguard the best interests of children and
14 families by establishing procedures for a parent with a
15 child support arrearage ("obligor") to retain his or her
16 driver's license for up to 12 months, to enable him or her
17 to maintain or obtain gainful employment, seek
18 self-employment, start a business, or participate in job
19 training or other programs to enable the parent to obtain
20 employment and pay child support.

21 (2) To mitigate potential financial and relationship
22 harm to children and families caused by the loss of a

1 parent's driving privileges.

2 (3) To recognize the financial cost and difficulty of
3 transporting children and families and maintaining
4 employment, seeking employment or self-employment, or
5 starting a business caused by a loss of driving privileges,
6 while balancing the obligor's financial responsibility as
7 outlined in the child support order.

8 (b) In any proceeding to enforce arrearages in child
9 support payments or orders, the obligor has the right to
10 petition the court or child support administrative body for an
11 order to stay the suspension of driver's license ("Stay Order")
12 for a period of 12 months after the date of the Stay Order.

13 (c) The court or the child support administrative body
14 shall oversee the Stay Order and shall review the Stay Order
15 every 90 days to determine if the obligor has either started to
16 pay child support if already employed or gains employment, made
17 efforts to gain employment, or participated in job training or
18 another work program towards employment, or became
19 self-employed or started a business, for a period of up to 12
20 months after the date of the Stay Order, and shall have the
21 discretion to extend the time of review upon good cause shown,
22 as indicated in subsection (h).

23 (d) The court or child support administrative body shall,
24 after issuance of a Stay Order:

25 (1) Require that evidence of employment be presented to
26 the court or child support administrative body, if the

1 obligor is employed at the time that the Stay Order is
2 entered, and order the obligor to either sign a wage
3 garnishment or wage assignment agreement or sign a request
4 to the employer for withholding of child support, in order
5 to avoid license suspension.

6 (2) Require that an obligor who is not employed seek
7 employment, job training, or a work program through the
8 Department of Employment Security and other means, and
9 report to the court, in accordance with the provisions
10 above, with a diary, listing, or other documentation of his
11 or her efforts to gain employment in accordance with such
12 order.

13 (3) Require that evidence be presented to the court or
14 child support administrative body, at the next hearing, if
15 the obligor obtains employment, and order the obligor to
16 either sign a wage garnishment or wage assignment
17 agreement, or sign a request to the employer for
18 withholding of child support, in order to avoid license
19 suspension.

20 (4) Require that evidence be presented to the court or
21 child support administrative body if the obligor starts a
22 business or obtains income by self-employment.

23 (5) Upon the receipt of proper proof by the court or
24 child support administrative body of the existence of a
25 business owned by the obligor, require the obligor to begin
26 a process of repayment in order to avoid license

1 suspension.

2 (6) Require an obligor who is self-employed, or starts
3 a business, to provide, on an annual basis until the child
4 support is completely repaid, to an administrative agency
5 designated by the court or child support administrative
6 body, financial statements showing income and expenses
7 from the business or the self-employment, which shall be
8 treated as evidence of the income available for child
9 support payments.

10 (e) The court may require evidence to adjudicate any
11 additional issues raised by the obligor, including temporary
12 disability or incapacity of the obligor and any reasonable
13 efforts undertaken by the obligor to begin a process of
14 repayment, modification, or reconsideration of the arrearage
15 or child support order in determining whether to issue a Stay
16 Order.

17 (f) Any support orders entered by the court in cases
18 subject to this Section shall include the status of the
19 driver's license until the child support arrearages are paid.

20 (g) The court or child support administrative body may
21 terminate the Stay Order and order the immediate suspension of
22 the obligor's driver's license before the 12-month period is
23 over if the obligor fails to meet any or all of the provisions
24 set forth within this Section.

25 (h) The court or child support administrative body shall
26 review the obligor's request for stay of the driver's license

1 suspension every 90 days, for a period up to 12 months, and may
2 make a determination as to the obligor's actual compliance and
3 the obligor's efforts to comply with the order. The court or
4 child support administrative body shall have the discretion to
5 extend the Stay Order after the first 12-month period, upon
6 good cause shown, and continue to review the obligor's
7 compliance with the Stay Order every 90 days, as provided in
8 this Section.

9 (i) If the provisions of this Section are inconsistent with
10 the requirements pertaining to Sections 7-705 and 7-706 of this
11 Code, the provisions of this Section control.