

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 168

Short Title: Collect Child Support 1.

(Public)

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Sponsors: Representatives Gardner; Russell, Nichols, Kiser, Cansler, and Shubert.

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Referred to: Judiciary II.

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February 13, 1995

A BILL TO BE ENTITLED

1 AN ACT TO ENHANCE CHILD SUPPORT COLLECTION THROUGH DRIVER  
2 AND PROFESSIONAL LICENSE REVOCATION, REPORTING AND  
3 PUBLICATION OF NAMES OF PARENTS WHO ARE DELINQUENT IN  
4 SUPPORT, AND OTHER INITIATIVES FOR COLLECTING OVERDUE CHILD  
5 SUPPORT.  
6

7 The General Assembly of North Carolina enacts:

8 Section 1. Chapter 50 of the General Statutes is amended by adding the  
9 following new section to read:

10 "**§ 50-13.12. Forfeiture of drivers and occupational licenses for failure to pay child**  
11 **support.**

12 (a) As used in this section, the term:

13 (1) 'Licensing agency' means a department, division, agency, officer, board,  
14 or other unit of State or local government that issues drivers or  
15 occupational licenses for licensing privileges.

16 (2) 'Licensing privilege' means the privilege of an individual to be  
17 authorized to engage in an activity as evidenced by regular and  
18 commercial drivers licenses and by occupational licenses.

19 (3) 'Mistake of fact' means that the obligor:

- 1           a.     Is not delinquent in an amount equal to or greater than 90 days of  
2               support payments; or  
3           b.     Is not the person subject to the court order of support for the  
4               child named in the advance notice of revocation; or  
5           c.     Does not owe the amount of delinquent support specified in the  
6               advance notice of revocation.

7           (4)   'Obligee' means a person or State agency to whom a child support  
8               obligation is owed under a court order or agreement to support as  
9               provided in Chapters 50 and 110 of the General Statutes.

10          (5)   'Obligor' means a person who is required to pay child support under a  
11               court order or agreement of support as provided in Chapters 50 and 110  
12               of the General Statutes.

13          (6)   'Occupational license' means a licensure, permission, certification, or  
14               similar authorization required by statute or rule to practice an  
15               occupation or business. The term does not include a tax license issued  
16               under Chapter 105 of the General Statutes, Article 7 of Chapter 153A of  
17               the General Statutes, or Article 9 of Chapter 160A of the General  
18               Statutes.

19          (b)   If an obligor is found by the court to be delinquent in child support payments  
20               in an amount equal to or greater than 90 days of support payments, then the obligor  
21               automatically forfeits the obligor's licensing privileges until such time as the clerk of  
22               superior court certifies that the obligor is no longer delinquent in child support payments.  
23               Upon certification, the obligor is eligible to apply to the appropriate licensing agency for  
24               reinstatement of the license. The clerk shall certify that an obligor is no longer delinquent  
25               in child support payments if the obligor has either:

26            (1)   Paid the delinquency in full, or

27            (2)   Entered into an agreement with the obligee to make payments against  
28               the delinquency over a period of time and paid the obligee an amount  
29               equal to at least 30 days' child support to reduce the amount of support  
30               that is delinquent.

31          (c)   When an obligor is delinquent in child support payments in an amount equal to  
32               or greater than 90 days of support payments, the clerk of court shall, after verifying the  
33               obligor's mailing address, serve the obligor with advance notice of revocation of the  
34               obligor's licensing privileges in accordance with G.S. 1A-1, Rule 4, Rules of Civil  
35               Procedure. The advance notice to the obligor shall contain, at a minimum, the following  
36               information:

37            (1)   The name of each child for whose benefit the child support is due and  
38               information sufficient to identify the court order or agreement to support  
39               under which the obligor has a duty to support the child;

40            (2)   The amount of delinquent support and the period for which the support  
41               is delinquent;

42            (3)   An explanation of the obligor's rights and responsibilities under this  
43               section; and

1           (4) That upon a finding of delinquency in an amount equal to or greater  
2 than 90 days of support payments, the obligor's drivers and occupational  
3 licenses will be automatically revoked, that the revocation will remain  
4 in effect until the clerk certifies that the obligor is no longer delinquent  
5 in child support payments, and that upon certification of  
6 nondelinquency the obligor becomes eligible to apply to the appropriate  
7 licensing agency for reinstatement of the license.

8           (d) The obligor may contest the revocation only on the basis of mistake of fact. To  
9 contest the revocation, the obligor must, within 10 days of receipt of the advance notice  
10 of revocation, request a hearing in the county where the support order was entered before  
11 the district court and give notice to the obligee specifying the mistake of fact upon which  
12 the hearing request is based. If the asserted mistake of fact can be resolved by agreement  
13 between the obligee and the obligor, no hearing shall occur. Otherwise, a hearing shall be  
14 held and a determination made within 30 days of the obligor's receipt of the advance  
15 notice of revocation as to whether the asserted mistake of fact is valid. No revocation  
16 shall occur pending the hearing decision. The failure to hold a hearing within 30 days  
17 shall not invalidate an otherwise properly entered order. If it is determined that a mistake  
18 of fact exists, no revocation shall occur. Otherwise, within 45 days of the obligor's receipt  
19 of the advance notice of revocation, the obligor's licensing privileges shall be revoked  
20 and shall not be reinstated until the clerk certifies that the obligor is no longer delinquent.

21           (e) Upon a finding that an obligor is delinquent in child support payments as provided  
22 under subsection (b) of this section, the clerk of court shall notify the appropriate  
23 licensing agencies that the obligor is delinquent in child support payments and that the  
24 obligor's licensing privileges are revoked until such time as the licensing agency receives  
25 proof of certification by the clerk that the obligor is no longer delinquent in child support  
26 payments.

27           (f) An obligor may file a petition with the clerk of superior court for certification  
28 that the obligor is no longer delinquent in child support payments upon submission of  
29 proof that the obligor has either paid the delinquent amount in full, or has made  
30 arrangements with the obligee to make payments against the delinquency over a period of  
31 time and has paid the obligee an amount equal to at least 30 days' child support to reduce  
32 the amount of support that is delinquent. If the clerk finds that the obligor has met the  
33 requirements for reinstatement under this section, then the clerk shall certify that the  
34 obligor is no longer delinquent and is therefore eligible to apply to the appropriate  
35 licensing agencies for reinstatement of the licenses."

36           Sec. 2. Chapter 110 of the General Statutes is amended by adding the  
37 following new section to read:

38 **"§ 10-136.11. Forfeiture of drivers and occupational licenses for failure to pay child**  
39 **support.**

40           (a) As used in this section, the term:

41           (1) 'Licensing agency' means a department, division, agency, officer, board,  
42 or other unit of State or local government that issues drivers or  
43 occupational licenses for licensing privileges.

1           (2) 'Licensing privilege' means the privilege of an individual to be  
2 authorized to engage in an activity as evidenced by regular and  
3 commercial drivers licenses and by occupational licenses.

4           (3) 'Mistake of fact' means that the obligor:  
5           a. Is not delinquent in an amount equal to or greater than 90 days of  
6 support payments; or  
7           b. Is not the person subject to the court order of support for the  
8 child named in the advance notice of revocation; or  
9           c. Does not owe the amount of delinquent support specified in the  
10 advance notice of revocation.

11           (4) 'Obligee' means a person or State agency to whom a child support  
12 obligation is owed under a court order or agreement to support as  
13 provided in Chapters 50 and 110 of the General Statutes.

14           (5) 'Obligor' means a person who is required to pay child support under a  
15 court order or agreement of support as provided in Chapters 50 and 110  
16 of the General Statutes.

17           (6) 'Occupational license' means a licensure, permission, certification, or  
18 similar authorization required by statute or rule to practice an  
19 occupation or business. The term does not include a tax license issued  
20 under Chapter 105 of the General Statutes, Article 7 of Chapter 153A of  
21 the General Statutes, or Article 9 of Chapter 160A of the General  
22 Statutes.

23           (b) If an obligor is found by the court to be delinquent in child support payments  
24 in an amount equal to or greater than 90 days of support payments, then the obligor  
25 automatically forfeits the obligor's licensing privileges until such time as the clerk of  
26 superior court certifies that the obligor is no longer delinquent in child support payments.  
27 Upon certification, the obligor is eligible to apply to the appropriate licensing agency for  
28 reinstatement of the license. The clerk shall certify that an obligor is no longer delinquent  
29 in child support payments if the obligor has either:

30           (1) Paid the delinquency in full, or  
31           (2) Entered into an agreement with the obligee to make payments against  
32 the delinquency over a period of time and paid the obligee an amount  
33 equal to at least 30 days' child support to reduce the amount of support  
34 that is delinquent.

35           (c) When an obligor is delinquent in child support payments in an amount equal to  
36 or greater than 90 days of support payments, the clerk of court shall, after verifying the  
37 obligor's mailing address, serve the obligor with advance notice of revocation of the  
38 obligor's licensing privileges in accordance with G.S. 1A-1, Rule 4, Rules of Civil  
39 Procedure. The advance notice to the obligor shall contain, at a minimum, the following  
40 information:

41           (1) The name of each child for whose benefit the child support is due and  
42 information sufficient to identify the court order or agreement to support  
43 under which the obligor has a duty to support the child;

1           (2) The amount of delinquent support and the period for which the support  
2 is delinquent;

3           (3) An explanation of the obligor's rights and responsibilities under this  
4 section; and

5           (4) That upon a finding of delinquency in an amount equal to or greater  
6 than 90 days of support payments, the obligor's drivers and occupational  
7 licenses will be automatically revoked, that the revocation will remain  
8 in effect until the clerk certifies that the obligor is no longer delinquent  
9 in child support payments, and that upon certification of  
10 nondelinquency the obligor becomes eligible to apply to the appropriate  
11 licensing agency for reinstatement of the license.

12       (d) The obligor may contest the revocation only on the basis of mistake of fact. To  
13 contest the revocation, the obligor must, within 10 days of receipt of the advance notice  
14 of revocation, request a hearing in the county where the support order was entered before  
15 the district court and give notice to the obligee specifying the mistake of fact upon which  
16 the hearing request is based. If the asserted mistake of fact can be resolved by agreement  
17 between the obligee and the obligor, no hearing shall occur. Otherwise, a hearing shall be  
18 held and a determination made within 30 days of the obligor's receipt of the advance  
19 notice of revocation as to whether the asserted mistake of fact is valid. No revocation  
20 shall occur pending the hearing decision. The failure to hold a hearing within 30 days  
21 shall not invalidate an otherwise properly entered order. If it is determined that a mistake  
22 of fact exists, no revocation shall occur. Otherwise, within 45 days of the obligor's receipt  
23 of the advance notice of revocation, the obligor's licensing privileges shall be revoked  
24 and shall not be reinstated until the clerk certifies that the obligor is no longer delinquent.

25       (e) Upon a finding that an obligor is delinquent in child support payments as provided  
26 under subsection (b) of this section, the clerk of court shall notify the appropriate  
27 licensing agencies that the obligor is delinquent in child support payments and that the  
28 obligor's licensing privileges are revoked until such time as the licensing agency receives  
29 proof of certification by the clerk that the obligor is no longer delinquent in child support  
30 payments.

31       (f) An obligor may file a petition with the clerk of superior court for certification  
32 that the obligor is no longer delinquent in child support payments upon submission of  
33 proof that the obligor has either paid the delinquent amount in full, or has made  
34 arrangements with the obligee to make payments against the delinquency over a period of  
35 time and has paid the obligee an amount equal to at least 30 days' child support to reduce  
36 the amount of support that is delinquent. If the clerk finds that the obligor has met the  
37 requirements for reinstatement under this section, then the clerk shall certify that the  
38 obligor is no longer delinquent and is therefore eligible to apply to the appropriate  
39 licensing agencies for reinstatement of the licenses."

40       Sec. 3. G.S. 50-13.9(d) reads as rewritten:

41       "(d) In a non-IV-D case, when an obligor fails to make a required payment of child  
42 support and is in arrears, the clerk of superior court shall mail by regular mail to the last  
43 known address of the obligor a notice of delinquency. The notice shall set out the

1 amount of child support currently due and shall demand immediate payment of said  
2 amount. The notice shall also state that failure to make immediate payment will result in  
3 the issuance by the court of an enforcement order requiring the obligor to appear before a  
4 district court judge and show cause why the support obligation should not be enforced by  
5 income withholding, contempt of court, or other appropriate means. Failure to receive the  
6 delinquency notice shall not be a defense in any subsequent proceeding. Sending the  
7 notice of delinquency shall be in the discretion of the clerk if the clerk has, during the  
8 previous 12 months, sent a notice or notices of delinquency to the obligor for  
9 nonpayment, or if income withholding has been implemented against the obligor or the  
10 obligor has been previously found in contempt for nonpayment under the same child  
11 support order.

12 If the arrearage is not paid in full within 21 days after the mailing of the delinquency  
13 notice, or without waiting the 21 days if the clerk has elected not to mail a delinquency  
14 notice for any of the reasons provided herein, the clerk shall cause an enforcement order  
15 to be issued and shall issue a notice of hearing before a district court judge. The  
16 enforcement order shall order the obligor to appear and show cause why he should not be  
17 subjected to income withholding or adjudged in contempt of court, or both, and shall  
18 order the obligor to bring to the hearing records and information relating to his  
19 employment and the amount and sources of his disposable income. The enforcement  
20 order shall state:

- 21 (1) That the obligor is under a court order to provide child support, the  
22 name of each child for whose benefit support is due, and information  
23 sufficient to identify the order;
- 24 (2) That the obligor is delinquent and the amount of overdue support;
- 25 (2a) That if the obligor is delinquent in an amount equal to or more than 90  
26 days of support payments, then the obligor's drivers and occupational  
27 licenses will be automatically revoked, and the licenses will remain  
28 revoked until such time as the clerk certifies that the obligor has either  
29 paid the delinquency in full or has reached an agreement with the  
30 obligee to make payments against the delinquency over a period of time  
31 and has paid the obligee an amount equal to at least 30 days' child  
32 support to reduce the amount of support that is delinquent.
- 33 (3) That the court may order income withholding if the obligor is delinquent  
34 in an amount equal to the support due for one month;
- 35 (4) That income withholding, if implemented, will apply to the obligor's  
36 current payors and all subsequent payors and will be continued until  
37 terminated pursuant to G.S. 110-136.10;
- 38 (5) That failure to bring to the hearing records and information relating to  
39 his employment and the amount and sources of his disposable income  
40 will be grounds for contempt;
- 41 (6) That if income withholding is not an available or appropriate remedy,  
42 the court may determine whether the obligor is in contempt or whether  
43 any other enforcement remedy is appropriate.

1 The enforcement order may be signed by the clerk or a district court judge, and shall be  
2 served on the obligor pursuant to G.S. 1A-1, Rule 4, Rules of Civil Procedure. The clerk  
3 shall also notify the party to whom support is owed of the pending hearing. The clerk  
4 may withdraw the order to the supporting party upon receipt of the delinquent payment.  
5 On motion of the person to whom support is owed, with the approval of the district court  
6 judge, if ~~he~~the district court judge finds it is in the best interest of the child, no  
7 enforcement order shall be issued.

8 When the matter comes before the court, the court shall proceed as in the case of a  
9 motion for income withholding under G.S. 110-136.5. If income withholding is not an  
10 available or adequate remedy, the court may proceed with contempt, imposition of a lien,  
11 or other available, appropriate enforcement remedies. This subsection shall apply only to  
12 non-IV-D cases, except that the clerk shall issue an enforcement order in a IV-D case  
13 when requested to do so by an IV-D obligee."

14 Sec. 4. G.S. 20-15.1 reads as rewritten:

15 "**§ 20-15.1. Revocations when licensing privileges ~~forfeited after conviction of a crime.~~**  
16 **forfeited.**

17 The Division shall revoke the license of a person whose licensing privileges have  
18 been forfeited under G.S. ~~45A-1331A.~~15A-1331A, 50-13.12, or 110-136.11. If a  
19 revocation period set by this Chapter is longer than the revocation period resulting from  
20 the forfeiture of licensing privileges, the revocation period in this Chapter applies."

21 Sec. 5. G.S. 20-24 reads as rewritten:

22 "**§ 20-24. When court to forward license to Division and report ~~convictions~~**  
23 **convictions, child support delinquencies, and prayers for judgment**  
24 **continued.**

25 (a) License. – A court that convicts a person of an offense that requires revocation  
26 of the person's drivers ~~license~~license, or that finds a person delinquent in child support  
27 payments pursuant to G.S. 50-13.12 or G.S. 110-136.11, shall require the person to give  
28 the court any regular or commercial drivers license issued to that person. A court that  
29 convicts a person of an offense that requires disqualification of the person but would not  
30 require revocation of a regular drivers license issued to that person shall require the  
31 person to give the court any Class A or Class B regular drivers license and any  
32 commercial drivers license issued to that person.

33 The clerk of court shall accept a drivers license required to be given to the court under  
34 this subsection. A clerk of court who receives a drivers license shall give the person  
35 whose license is received a copy of a dated receipt for the license. The receipt must be  
36 on a form approved by the Commissioner. A revocation or disqualification for which a  
37 license is received under this subsection is effective as of the date on the receipt for the  
38 license.

39 The clerk of court shall notify the Division of a license received under this subsection  
40 either by forwarding to the Division the license, a record of the conviction for which the  
41 license was received, a copy of the court order of child support delinquency for which the  
42 license was received, and the original dated receipt for the license or by electronically  
43 sending to the Division the information on the license, the record of ~~conviction,~~conviction

1 or court order of child support delinquency, and the receipt given for the license. The  
2 clerk of court must forward the required items unless the Commissioner has given the  
3 clerk of court approval to notify the Division electronically. If the clerk of court notifies  
4 the Division electronically, the clerk of court must destroy a license received after  
5 sending to the Division the required information. The clerk of court shall notify the  
6 Division within 30 days after entry of the conviction or order of child support  
7 delinquency for which the license was received.

8 (b) ~~Convictions~~ Convictions, Orders of Child Support Delinquency, and PJs. –  
9 The clerk of court shall send the Division a record of any of the following:

- 10 (1) A conviction of a violation of a law regulating the operation of a  
11 vehicle.
- 12 (2) A conviction for which the convicted person is placed on probation and  
13 a condition of probation is that the person not drive a motor vehicle for  
14 a period of time, stating the period of time for which the condition  
15 applies.
- 16 (3) A conviction of a felony in the commission of which a motor vehicle is  
17 used, when the judgment includes a finding that a motor vehicle was  
18 used in the commission of the felony.
- 19 (4) A conviction that requires revocation of the drivers license of the person  
20 convicted and is not otherwise reported under subdivision (1).
- 21 (4a) A court order of child support delinquency pursuant to G.S. 50-13.12 or  
22 G.S. 110-136.11.
- 23 (5) An order entering prayer for judgment continued in a case involving an  
24 alleged violation of a law regulating the operation of a vehicle.

25 With the approval of the Commissioner, the clerk of court may forward a record of  
26 ~~conviction~~ conviction, order of child support delinquency, or prayer for judgment  
27 continued to the Division by electronic data processing means.

28 (b1) In any case in which the Division, for any reason, does not receive a record of  
29 a conviction or a prayer for judgment continued until more than one year after the date it  
30 is entered, the Division may, in its discretion, substitute a period of probation for all or  
31 any part of a revocation or disqualification required because of the conviction or prayer  
32 for judgment continued.

33 (c) Repealed by Session Laws 1991, c. 726, s. 10.

34 (d) Scope. – This Article governs drivers license revocation and disqualification.  
35 A drivers license may not be revoked and a person may not be disqualified except in  
36 accordance with this Article.

37 (e) Special Information. – A judgment for a conviction for an offense for which  
38 special information is required under this subsection shall, when appropriate, include a  
39 finding of the special information. The convictions for which special information is  
40 required and the specific information required is as follows:

- 41 (1) Homicide. – If a conviction of homicide involves impaired driving, the  
42 judgment must indicate that fact.



- 1 (2) G.S. 20-138.1, Driving While Impaired. – If a conviction under G.S. 20-  
2 138.1 involves a commercial motor vehicle, the judgment must indicate  
3 that fact. If a conviction under G.S. 20-138.1 involves a commercial  
4 motor vehicle that was transporting a hazardous substance required to  
5 be placarded, the judgment must indicate that fact.
- 6 (3) G.S. 20-138.2, Driving Commercial Motor Vehicle While Impaired. – If  
7 the commercial motor vehicle involved in an offense under G.S. 20-  
8 138.2 was transporting a hazardous material required to be placarded, a  
9 judgment for that offense must indicate that fact.
- 10 (4) G.S. 20-166, Hit and Run. – If a conviction under G.S. 20-166 involves  
11 a commercial motor vehicle, the judgment must indicate that fact. If a  
12 conviction under G.S. 20-166 involves a commercial motor vehicle that  
13 was transporting a hazardous substance required to be placarded, the  
14 judgment must indicate that fact.
- 15 (5) Felony Using Commercial Motor Vehicle. – If a conviction of a felony  
16 in which a commercial motor vehicle was used involves the  
17 manufacture, distribution, or dispensing of a controlled substance, or  
18 possession with intent to manufacture, distribute, or dispense a  
19 controlled substance, the judgment must indicate that fact. If a  
20 commercial motor vehicle used in a felony was transporting a hazardous  
21 substance required to be placarded, the judgment for that felony must  
22 indicate that fact."

23 Sec. 6. G.S. 20-28 reads as rewritten:

24 **"§ 20-28. Unlawful to drive while license revoked or while disqualified.**

25 (a) Driving While License Revoked. – Except as provided in subsection (a1) of  
26 this section, Any any person whose drivers license has been revoked who drives any  
27 motor vehicle upon the highways of the State while the license is revoked is guilty of a  
28 Class 1 misdemeanor. Upon conviction, the person's license shall be revoked for an  
29 additional period of one year for the first offense, two years for the second offense, and  
30 permanently for a third or subsequent offense.

31 The restoree of a revoked drivers license who operates a motor vehicle upon the  
32 highways of the State without maintaining financial responsibility as provided by law  
33 shall be punished as for ~~operating driving~~ without a ~~drivers~~-license.

34 (a1) Driving Without Reclaiming License. – A person convicted under subsection  
35 (a) shall be punished as if ~~he~~ the person had been convicted of driving without a license  
36 under G.S. ~~20-7-20-35~~ if ~~he~~ the person demonstrates to the court ~~that~~ that either  
37 subdivisions (1) and (2), or subdivision (3) of this subsection is true:

- 38 (1) At the time of the offense, ~~his~~ the person's license was revoked solely  
39 under G.S. ~~20-16.5; 20-16.5,~~ and
- 40 (2) a. The offense occurred more than 30 days after the effective date of a  
41 revocation order issued under G.S. 20-16.5(f) and the period of  
42 revocation was 30 days as provided under subdivision (3) of that  
43 ~~subsection; subsection,~~ or

1           b.       The offense occurred more than 10 days after the effective date  
2                   of the revocation order issued under any other provision of G.S.  
3                   ~~20-16.5-20-16.5~~; or

4           (3)     At the time of the offense the person had met the requirements of G.S.  
5                   50-13.12(f) or G.S. 110-136.11(f) and was eligible for reinstatement of  
6                   the person's drivers license privilege as provided therein.

7           In addition, a person punished under this subsection shall be treated for drivers license  
8           and insurance rating purposes as if ~~he~~the person had been convicted of driving without a  
9           license under G.S. ~~20-7-20-35~~ and the conviction report sent to the Division must  
10          indicate that the person is to be so treated.

11          (b)     Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 3.

12          (c)     When Person May Apply for License. – A person whose license has been  
13          revoked under this section for one year may apply for a license after 90 days. A person  
14          whose license has been revoked under this section for two years may apply for a license  
15          after 12 months. A person whose license has been revoked under this section  
16          permanently may apply for a license after three years. Upon the filing of an application  
17          the Division may, with or without a hearing, issue a new license upon satisfactory proof  
18          that the former licensee has not been convicted of a moving violation under this Chapter  
19          or the laws of another state, a violation of any provision of the alcoholic beverage laws of  
20          this State or another state, or a violation of any provisions of the drug laws of this State or  
21          another state when any of these violations occurred during the revocation period. The  
22          Division may impose any restrictions or conditions on the new license that the Division  
23          considers appropriate for the balance of the revocation period. When the revocation  
24          period is permanent, the restrictions and conditions imposed by the Division may not  
25          exceed three years.

26          (d)     Driving While Disqualified. – A person who was convicted of a violation that  
27          disqualified the person and required the person's drivers license to be revoked who drives  
28          a motor vehicle during the revocation period is punishable as provided in the other  
29          subsections of this section. A person who has been disqualified who drives a commercial  
30          motor vehicle during the disqualification period is guilty of a Class 1 misdemeanor and is  
31          disqualified for an additional period as follows:

32               (1)     For a first offense of driving while disqualified, a person is disqualified  
33                   for a period equal to the period for which the person was disqualified  
34                   when the offense occurred.

35               (2)     For a second offense of driving while disqualified, a person is  
36                   disqualified for a period equal to two times the period for which the  
37                   person was disqualified when the offense occurred.

38               (3)     For a third offense of driving while disqualified, a person is disqualified  
39                   for life.

40          The Division may reduce a disqualification for life under this subsection to 10 years  
41          in accordance with the guidelines adopted under G.S. 20-17.4(b). A person who drives a  
42          commercial motor vehicle while the person is disqualified and the person's drivers license

1 is revoked is punishable for both driving while the person's license was revoked and  
2 driving while disqualified."

3 Sec. 7. Chapter 93B of the General Statutes is amended by adding the  
4 following new section to read:

5 **"§ 93B-12. Revocation when licensing privilege forfeited for nonpayment of child**  
6 **support.**

7 (a) Upon receipt of a court order that a licensee under an occupational licensing  
8 board's jurisdiction has forfeited his or her occupational license pursuant to G.S. 50-13.12  
9 or G.S. 110-136.11, then the occupational licensing board shall revoke the occupational  
10 license of that licensee. The revocation shall remain in effect until the licensee has  
11 applied for reinstatement and the application is accompanied by certification by the clerk  
12 of superior court that the licensee is no longer delinquent in child support payments and  
13 is therefore eligible to apply for reinstatement of the license.

14 (b) If at the time the occupational licensing board revokes a license pursuant to  
15 subsection (a) of this section the occupational licensing board has revoked the same  
16 license under the licensing board's disciplinary authority over licensees under its  
17 jurisdiction, and that revocation period is greater than the revocation period resulting  
18 from forfeiture pursuant to G.S. 50-13.2 or G.S. 110-136.11, then the revocation period  
19 imposed by the occupational licensing board applies.

20 (c) Upon receipt of an application for reinstatement accompanied by certification  
21 by the clerk of superior court that the licensee whose license was revoked pursuant to  
22 subsection (a) of this section is no longer delinquent in child support payments, the  
23 occupational licensing board may reinstate the license. If the licensing board reinstates a  
24 license pursuant to this section, the reinstatement shall be made at no additional cost to  
25 the licensee."

26 Sec. 8. G.S. 150B-3 reads as rewritten:

27 **"§ 150B-3. Special provisions on licensing.**

28 (a) When an applicant or a licensee makes a timely and sufficient application for  
29 issuance or renewal of a license or occupational license, including the payment of any  
30 required license fee, the existing license or occupational license does not expire until a  
31 decision on the application is finally made by the agency, and if the application is denied  
32 or the terms of the new license or occupational license are limited, until the last day for  
33 applying for judicial review of the agency order. This subsection does not affect agency  
34 action summarily suspending a license or occupational license under subsections (b) and  
35 (c) of this section.

36 (b) Before the commencement of proceedings for the suspension, revocation,  
37 annulment, withdrawal, recall, cancellation, or amendment of any license other than an  
38 occupational license, the agency shall give notice to the licensee, pursuant to the  
39 provisions of G.S. 150B-23. Before the commencement of such proceedings involving an  
40 occupational license, the agency shall give notice pursuant to the provisions of G.S.  
41 150B-38. In either case, the licensee shall be given an opportunity to show compliance  
42 with all lawful requirements for retention of the license or occupational license.

1 (c) If the agency finds that the public health, safety, or welfare requires  
2 emergency action and incorporates this finding in its order, summary suspension of a  
3 license or occupational license may be ordered effective on the date specified in the order  
4 or on service of the certified copy of the order at the last known address of the licensee,  
5 whichever is later, and effective during the proceedings. The proceedings shall be  
6 promptly commenced and determined.

7 Nothing in this subsection shall be construed as amending or repealing any special  
8 statutes, in effect prior to February 1, 1976, which provide for the summary suspension of  
9 a license.

10 (d) This section does not apply to revocations of occupational licenses based  
11 solely on a court order of child support delinquency issued pursuant to G.S. 50-13.12 and  
12 G.S. 110-136.11."

13 Sec. 9. Chapter 110 of the General Statutes is amended by adding a new  
14 section to read:

15 "**§ 110-144. Authority to publish the names of delinquent responsible child support**  
16 **obligors.**

17 (a) The Department of Human Resources may cause to have published in the  
18 newspapers of this State the names of all responsible obligors who have failed to pay  
19 child support for a period of three years or more next preceding the publication.

20 (b) The publication shall set forth the name of each delinquent obligor, the  
21 obligor's last known address, and the amount of unpaid child support owing as of the date  
22 of publication.

23 (c) The Department of Human Resources, its agents, and assigns, and county  
24 departments of social services shall not be subject to liability for any action resulting  
25 from the listing and advertising of the names of delinquent obligor parents or for the  
26 failure to delete from these lists and advertisements the names of obligors who made  
27 payments during the advertisement period, if the failure to make the deletion was not  
28 willful. This immunity from liability includes immunity from a cross-claim by a  
29 defendant in an action in tort taken to establish or enforce child support obligations, if the  
30 listing or failure to delete is made in good faith, with apparent legal authority, without  
31 malicious purpose, and in a manner not exhibiting wanton and willful disregard of rights  
32 or property of another.

33 (d) Any newspaper that publishes lists and advertisements pursuant to this section  
34 in good faith, without malicious purpose, and in a manner not exhibiting wanton and  
35 willful disregard of rights or property of another shall not be liable for any action  
36 resulting from the listing or advertising authorized under this section."

37 Sec. 10. Chapter 110 of the General Statutes is amended by adding the  
38 following new section to read:

39 "**§ 110-145. Reporting of overdue child support to consumer reporting agencies.**

40 The Department of Human Resources shall provide consumer reporting agencies  
41 doing business in this State with information regarding the amount of overdue child  
42 support owed by a parent when the Department has determined that the parent is not in  
43 compliance with an order of child support. Prior to providing the information, the

1 Department shall provide the obligor parent with notice of the proposed action. The  
2 obligor parent shall have 20 days to contest the accuracy of the information before the  
3 information is provided to the consumer reporting agency."

4           Sec. 11. This act becomes effective January 1, 1996, and applies to child  
5 support obligations delinquent on and after that date.