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ASSEMBLY BILL NO. 358—ASSEMBLYWOMAN NEAL

MARCH 20, 2017

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Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to child support.  
(BDR 38-8)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to child support; revising provisions relating to the suspension or revocation of the driver’s license or motorcycle driver’s license of a person who is in arrears in the payment for the support of one or more children or has failed to comply with certain subpoenas or warrants related to the payment of such support; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Federal law requires each state to establish procedures under which the state  
2 has authority to withhold or suspend, or to restrict the use of, professional,  
3 occupational and recreational licenses of persons who: (1) have failed to comply  
4 with a subpoena or warrant relating to the proceeding to determine the paternity of  
5 a child or to establish or enforce an obligation for the support of a child; or (2) are  
6 in arrears in the payment for the support of one or more children. (42 U.S.C. § 666)  
7 Existing state law provides that under certain circumstances, a district attorney or  
8 other public agency collecting support for children is required to notify the  
9 Department of Motor Vehicles of a person who has either failed to comply with  
10 such a subpoena or warrant or is in arrears in his or her child support payments.  
11 (NRS 425.510) Upon receipt of the notice the Department is required to suspend  
12 the person’s driver’s license but may issue a restricted license that authorizes the  
13 person to drive to and from work. (NRS 483.443, 483.490)

14 This bill authorizes rather than requires the district attorney or other public  
15 agency to provide this notification to the Department. This bill further provides that  
16 the district attorney or other public agency is not authorized to provide the  
17 notification to the Department if the suspension of the driver’s license of the person  
18 named in the notification would be an impediment to his or her present or potential  
19 employment.



\* A B 3 5 8 \*

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1       **Section 1.** NRS 425.510 is hereby amended to read as follows:  
2       425.510 1. Each district attorney or other public agency  
3       collecting support for children shall send a notice by first-class mail  
4       to each person who:  
5       (a) Has failed to comply with a subpoena or warrant relating to a  
6       proceeding to determine the paternity of a child or to establish or  
7       enforce an obligation for the support of a child; or  
8       (b) Is in arrears in the payment for the support of one or more  
9       children.  
10      ➤ The notice must include the information set forth in subsection 2  
11      and a copy of the subpoena or warrant or a statement of the amount  
12      of the arrearage.  
13      2. If the person does not, within 30 days after the person  
14      receives the notice required by subsection 1:  
15      (a) Comply with the subpoena or warrant;  
16      (b) Satisfy the arrearage pursuant to NRS 425.560; or  
17      (c) Submit to the district attorney or other public agency a  
18      written request for a hearing,  
19      ➤ the district attorney or other public agency ~~shall~~ *may* report the  
20      name of that person to the Department of Motor Vehicles ~~if~~ *unless*  
21      *the suspension of the driver's license or motorcycle driver's*  
22      *license of the person would be an impediment to his or her present*  
23      *or potential employment.*  
24      3. Before a hearing requested pursuant to subsection 2 may be  
25      held, the person requesting the hearing and a representative of the  
26      enforcing authority must meet and make a good faith effort to  
27      resolve the matter.  
28      4. If a person requests a hearing within the period prescribed in  
29      subsection 2 and meets with the enforcing authority as required  
30      pursuant to subsection 3, a hearing must be held pursuant to NRS  
31      425.3832. The master shall notify the person of the recommendation  
32      of the master at the conclusion of the hearing or as soon thereafter as  
33      is practicable. If the master determines that the person has failed to  
34      comply with a subpoena or warrant relating to a proceeding to  
35      determine the paternity of a child or to establish or enforce an  
36      obligation for the support of a child, the master shall include in the  
37      notice the information set forth in subsection 5. If the master  
38      determines that the person is in arrears in the payment for the  
39      support of one or more children, the master shall include in the  
40      notice the information set forth in subsection 6.  
41      5. If the master determines that a person who requested a  
42      hearing pursuant to subsection 2 has not complied with a subpoena



1 or warrant relating to a proceeding to determine the paternity of a  
2 child or to establish or enforce an obligation for the support of a  
3 child and the district court issues an order approving the  
4 recommendation of the master, the district attorney or other public  
5 agency ~~{shall}~~ *may* report the name of that person to the Department  
6 ~~{}~~ *unless the suspension of the driver's license or motorcycle*  
7 *driver's license of the person would be an impediment to his or her*  
8 *present or potential employment.*

9 6. If the master determines that a person who requested a  
10 hearing pursuant to subsection 2 is in arrears in the payment for the  
11 support of one or more children, the master shall notify the person  
12 that if the person does not immediately agree to enter into a plan for  
13 the repayment of the arrearages that is approved by the district  
14 attorney or other public agency, the driver's license and motorcycle  
15 driver's license of the person may be subject to suspension. If the  
16 person does not agree to enter into such a plan and the district court  
17 issues an order approving the recommendation of the master, the  
18 district attorney or other public agency ~~{shall}~~ *may* report the name  
19 of that person to the Department of Motor Vehicles ~~{}~~ *unless the*  
20 *suspension of the driver's license or motorcycle driver's license of*  
21 *the person would be an impediment to his or her present or*  
22 *potential employment.*

23 7. ~~{The}~~ *If the district attorney or other public agency reports*  
24 *the name of a person to the Department of Motor Vehicles*  
25 *pursuant to this section, the* district attorney or other public agency  
26 shall, within 5 days after the person who has failed to comply with a  
27 subpoena or warrant or is in arrears in the payment for the support  
28 of one or more children complies with the subpoena or warrant or  
29 satisfies the arrearage pursuant to NRS 425.560, notify the  
30 Department of Motor Vehicles that the person has complied with the  
31 subpoena or warrant or has satisfied the arrearage.

32 8. For the purposes of this section, a person shall be deemed to  
33 have received a notice 3 days after it is mailed, by first-class mail,  
34 postage prepaid, to that person at the last known address of the  
35 person.

36 **Sec. 2.** This act becomes effective on July 1, 2017.

