**29-250 DEPARTMENT OF THE SECRETARY OF STATE**

 **BUREAU OF MOTOR VEHICLES**

**Chapter 7: RULES FOR THE SUSPENSION OF LICENSES FOR FAILURE TO COMPLY WITH CHILD SUPPORT ORDERS**

**Summary**: These rules implement the provisions of 19-A MRSA §2202 and 29-A MRSA §§ 2459 and 2459-A which require the Secretary of State to suspend the driver permits and licenses of an individual whom the Commissioner of Health and Human Services or the Penobscot Nation certifies is not in compliance with a child support order.

**1. Purposes**. The purpose of these rules is to implement the provisions of 19-A MRSA §2202 and 29-A MRSA §§ 2459 and 2459-A which require the Secretary of State to suspend the driver permits and licenses of individuals whom the Commissioner of Health and Human Services or the Penobscot Nation certifies are not in compliance with child support orders. The rules establish permit and license suspension and restoration requirements and set conditions for the issuance of temporary driver's licenses.

**2. Definitions**. For the purpose of these rules the following definitions apply:

 A. Commissioner of Health and Human Services means the Commissioner of Health and Human Services, a designee or an authorized representative.

 B. Compliance with an order of support has the same meaning as found in §2101, subsection 2 of Title 19-A, *Maine Revised Statutes Annotated*.

 C. Order of support has the same meaning as found in §2101, subsection 13 of Title 19-A, and §2459-A, subsection 1C of Title 29-A *Maine Revised Statutes Annotated*.

 D. Driver's license has the same meaning as license as defined in §101(31) of Title 29-A, *Maine Revised Statutes Annotated*.

 E. Secretary of State means the Secretary of State, a designee or an authorized representative.

 F. Penobscot Nation means the Penobscot Nation Tribal Court, a designee or an authorized representative.

**3. Compliance with child support orders**. The privilege of an individual to possess or apply for a driver's license or permit is conditioned on compliance with child support orders.

**4. Certification of noncompliance with child support orders.** The Secretary of State shall suspend the driver's license, permit or privilege to apply for such a license or permit of any individual whom the Commissioner of Health and Human Services or the Penobscot Nation certifies, in writing, is not in compliance with child support orders. An individual whose driver's license or permit is suspended may file a petition for review with the Superior Court within 30 days from receipt of the notice of driver's license or permit suspension to challenge the action.

**5. License or permit reinstatement**. Unless the driver's license or permit suspension is rescinded by a court, the Secretary of State may terminate the suspension upon receipt of a written release from the Commissioner of Health and Human Services or the Penobscot Nation stating that the individual is in compliance with child support orders; the individual's license or permit is not suspended for any other reason; and the individual pays any applicable reinstatement fees to the Secretary of State.

**6. Temporary Driver's License**

 A. **Conditional release**. The Secretary of State may issue a temporary driver's license with or without restrictions, which may not exceed 120 days, to an individual whose driver's license is suspended upon receipt of a conditional release from the Commissioner of Health and Human Services or the Penobscot Nation.

 B. **Relevant Information**. In deciding whether to issue a temporary driver's license the Secretary of State may consider relevant factors, including but not limited to: the hardship resulting from the driver's license suspension, the existence of alternative means of transportation, the needs of the individual, the past driving record of the individual and public safety. Application for a temporary driver's license must be made on a form provided or approved by the Secretary of State.

 C. **Hearing**. If a temporary driver's license is not granted, the individual may make a written request for an administrative hearing before the Secretary of State to show cause why a temporary license should be issued.

There will be no fiscal impact to municipalities as the result of the adoption of this rule.

STATUTORY AUTHORITY: 29 MRS §791(5)

EFFECTIVE DATE:

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NON-SUBSTANTIVE CORRECTION:

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