

2020 South Dakota Legislature

Senate Bill 179**AMENDMENT 179A FOR THE INTRODUCED BILL**

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

1 **An Act to revise the legal ~~notice~~ process for withholding certain licenses.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That § 1-55-11 be AMENDED:

4 **1-55-11. Licenses, registrations, and permits withheld from person owing**
5 **debt referred to center.**

6 No person that owes a debt that is referred to the center may renew, obtain, or
7 maintain:

8 ~~(1) Any registration for any motor vehicle, motorcycle, or boat, in which the~~
9 ~~person's name appears on the title of the motor vehicle, motorcycle, or boat;~~

10 ~~(2) Any driver license as defined by subdivision 32-12-1(1); or~~

11 ~~(3) Any any hunting license, fishing license, state park permit, or camping permit;~~
12 unless the debt and cost recovery fee is either paid in full or the debtor has entered
13 into a payment plan with the center and payment pursuant to the plan is current.

14 **Section 2.** That § 1-55-12 be AMENDED:

15 **1-55-12. Hearing on debt determination dispute--Temporary license,**
16 **registration, or permit.**

17 No agency, board, or entity of the State of South Dakota may issue, renew, or
18 allow an individual to maintain ~~any motor vehicle, motorcycle, or boat registration, driver~~
19 ~~license, hunting license, fishing license, state park permit, or camping permit,~~ after
20 receiving notice from the center that the applicant, registrant, or licensee has a debt that
21 is being collected by the center, unless the applicant, registrant, or licensee has paid the
22 debt and cost recovery fee in full or the debtor has entered into a payment plan with the
23 center and payment pursuant to the plan is current.

1 An applicant, registrant, or licensee who disputes a determination by the center that
 2 the applicant, registrant, or licensee has a debt that has been referred to the center for
 3 collection shall, upon request, be given a due process hearing by the center. Upon
 4 recommendation by the center, the agency or entity may issue a temporary license,
 5 registration, certification, or permit to the applicant, registrant, or licensee pending final
 6 resolution of the due process hearing.

7 **Section 3.** That § 1-55-15 be AMENDED:

8 **1-55-15. Promulgation of rules.**

9 The Bureau of Administration may promulgate rules, pursuant to chapter 1-26, in
 10 the following areas:

- 11 (1) Definitions;
- 12 (2) Procedure for remitting moneys collected to referring entities;
- 13 (3) Processes and procedures for entering into payment agreements with debtors;
- 14 (4) A process for the imposition of the cost recovery fee;
- 15 (5) The data collection system;
- 16 (6) The centralized electronic debt management system;
- 17 (7) The settlement authority process;
- 18 ~~(8) The procedure for sending information to the Division of Motor Vehicles concerning~~
 19 ~~the nonrenewal of registrations for motor vehicles, motorcycles, and boats;~~
- 20 ~~(9) The procedure for sending information to the Department of Public Safety~~
 21 ~~concerning the nonrenewal of driver licenses;~~
- 22 ~~(10) The procedure for sending information to the Department of Game, Fish and Parks~~
 23 ~~concerning the nonissuance of hunting licenses, fishing licenses, state park permits,~~
 24 ~~and camping permits; and~~
- 25 ~~(11)~~(9) The setoff of debt process.

26 **Section 4.** That § 25-7A-56 be AMENDED:

27 **25-7A-56. Prohibition against issuance or renewal of professional license,**
 28 **registration, certification, or permit of applicant in child support arrearage--**
 29 **Adoption of rules by state agencies.**

30 No state agency or board may issue or renew the professional, sporting, or
 31 recreational license, registration, certification, or permit of any applicant after receiving
 32 notice from the Department of Social Services that the applicant has support arrearages
 33 in the sum of ~~one~~ two thousand dollars or more, unless the applicant first makes

1 satisfactory arrangements with the Department of Social Services for payment of any
2 accumulated arrearages. An applicant who disputes a determination by the Department
3 of Social Services that the applicant has support arrearages of ~~one~~ two thousand dollars
4 or more shall, upon request, be given a due process hearing by the department. Upon
5 recommendation by the department, the licensing agency or board may issue a temporary
6 license, registration, certification, or permit to the applicant pending final resolution of the
7 due process hearing. The department may promulgate rules pursuant to chapter 1-26 to
8 implement the provisions of this section.

9 The term professional license, registration, certification, or permit as specified by this
10 section includes any profession or occupation as specified in Title 36; insurance brokers,
11 agents, and solicitors as specified in chapter 58-30; teachers and administrators as
12 specified in chapters 13-42 and 13-43; attorneys as specified in chapter 16-16; securities
13 agents, securities brokers, investment advisers, or investment adviser representatives as
14 specified in chapter 47-31B; pilots as specified in chapter 50-11; day care providers as
15 specified in chapter 26-6; gaming employees as specified in chapter 42-7B; and law
16 enforcement officers as specified in chapter 23-3. The state agencies or boards which
17 govern the professions, recreational licenses, and occupations listed in this paragraph may
18 adopt rules pursuant to chapter 1-26 to implement the provisions of this section for their
19 particular profession or occupation.

20 **Section 5.** That § 25-7A-56.1 be AMENDED:

21 **25-7A-56.1. Revocation, suspension, or restriction of licenses of child**
22 **support obligors.**

23 A circuit court may revoke, suspend, or restrict a person's ~~drivers~~, professional,
24 occupational, sporting, or recreational license if the person owes past-due support, or if
25 the person, after receiving appropriate notice, fails to comply with a subpoena or warrant
26 relating to a paternity or child support proceeding.

27 **Section 6.** That § 32-12-116 be REPEALED.

28 **32-12-116. Restrictions on issuing license to person in arrears for child**
29 **support--Notice of intent to revoke license--Request for hearing--Promulgation**
30 **of rules.**