



Legislation Text

File #: Res 0210-2018, **Version:** *

Res. No. 210

Resolution calling on the New York State Legislature to pass and the Governor to sign, legislation to amend the Domestic Relations Law and the Family Court Act to prevent the Division of Child Support Enforcement from suspending driving privileges for individuals who need a functioning New York State driver's license in order to earn a living.

By Council Member Eugene

Whereas, Pursuant to New York State law, a child support enforcement unit, which in New York city is administered by the Human Resources Administration, or a family court judge may order the Department of Motor Vehicles to suspend an individual's driving privileges if the individual owes child support arrears equivalent to or greater than the amount of support past due for a period of four months; and

Whereas, Additionally pursuant to New York State law, the suspension of driving privileges cannot be applied to individuals who are receiving public assistance or supplemental security income, or low-income individuals whose income falls below the self-support reserve amount; and

Whereas, Individuals whose driving privileges are suspended may apply to the Department of Motor Vehicles for a restricted use license which enables an individual with a suspended license to drive to and from their employment, school or necessary medical appointments; and

Whereas, However, restricted use licenses are not available for the operation of commercial or for-hire vehicles such as a taxicab, livery, coach, limousine, van or wheelchair accessible van or tow truck; and

Whereas, In addition to the suspension of a driver's license, child support arrears may be collected by a child support enforcement unit through income executions, unemployment insurance benefits executions, income tax refund interceptions, reports to credit bureaus, lottery winnings interceptions, property executions, passport denials, liens, and referrals to the New York State Department of Taxation and Finance; and

Whereas, According to the Annie E. Casey Foundation “often the loss of a license is caused more by poverty . . . than it is by a willful disregard for the law”; and

Whereas, Although the suspension of a driver’s license may serve as an effective enforcement method for some individuals, it is illogical to revoke the license of an individual who relies on a driver’s license to generate income; and

Whereas, There are many other enforcement methods to collect child support arrears other than the suspension of a driver’s license, which prohibits individuals such as taxicab drivers and deliverymen, whose ability to drive a vehicle is essential to their capacity to earn a living, from paying their child support; now, therefore, be it

Resolved, That the Council of the City of New calls on the New York State Legislature to pass and the Governor to sign, legislation to amend the Domestic Relations Law and the Family Court Act to prevent the Division of Child Support Enforcement from suspending driving privileges for individuals who need a functioning New York State driver’s license in order to earn a living.

AV/JJ
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