

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 185

HOUSE BILL 2226

AN ACT

AMENDING SECTION 28-1601, ARIZONA REVISED STATUTES; RELATING TO CIVIL TRAFFIC VIOLATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-1601, Arizona Revised Statutes, is amended to
3 read:

4 28-1601. Failure to pay civil penalty; suspension of privilege
5 to drive; collection procedure

6 A. A person shall pay all civil penalties within thirty days from
7 entry of judgment, except that if payment within thirty days will place an
8 undue economic burden on a person, the court may extend the time for payment
9 or may provide for installment payments. If the civil penalty is not paid or
10 an installment payment is not made when due, the court may declare the entire
11 civil penalty due and, if so, the court shall notify the department and the
12 department shall promptly suspend the driver license or permit of the driver,
13 the person's application or privilege to apply for a driver license or permit
14 or the privilege of a nonresident to drive a motor vehicle in this state,
15 until the civil penalty is paid.

16 B. Notwithstanding subsection A of this section, if a civil penalty is
17 paid on entry of judgment, the court may reduce the civil penalty by up to
18 five per cent of the penalty imposed.

19 C. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE COURT SHALL NOT
20 INITIATE COLLECTION PROCEDURES ON AN UNPAID CIVIL PENALTY, NOTIFY THE
21 DEPARTMENT TO SUSPEND A PERSON'S DRIVER LICENSE, PERMIT OR PRIVILEGE TO DRIVE
22 A MOTOR VEHICLE IN THIS STATE OR NOTIFY THE DEPARTMENT TO REFUSE TO RENEW A
23 VEHICLE REGISTRATION FOR AN UNPAID CIVIL TRAFFIC VIOLATION IF ALL OF THE
24 FOLLOWING APPLY:

25 1. THE UNPAID CIVIL PENALTY IS FOR A TRAFFIC VIOLATION FOR WHICH THE
26 FINAL DISPOSITION OCCURS MORE THAN THIRTY-SIX MONTHS BEFORE THE COURT
27 INITIATES COLLECTION PROCEEDINGS.

28 2. THE COURT DOES NOT HAVE A PAPER OR ELECTRONIC RECORD DATED WITHIN
29 THIRTY-SIX MONTHS AFTER THE TRAFFIC VIOLATION OCCURS INDICATING THAT THE
30 RESPONSIBLE PERSON WAS NOTIFIED THAT THE CIVIL PENALTY IS UNPAID AND DUE.

31 3. THE COURT HAS NOT NOTIFIED THE DEPARTMENT TO SUSPEND THE
32 RESPONSIBLE PERSON'S DRIVER LICENSE OR PERMIT OR PRIVILEGE TO DRIVE A MOTOR
33 VEHICLE IN THIS STATE.

34 4. THE COURT HAS NOT NOTIFIED EITHER THE RESPONSIBLE PERSON OR THE
35 DEPARTMENT ABOUT THE COURT'S REQUEST TO THE DEPARTMENT TO REFUSE TO RENEW THE
36 RESPONSIBLE PERSON'S VEHICLE REGISTRATION PURSUANT TO ARTICLE 5 OF THIS
37 CHAPTER.

38 5. THE COURT DOES NOT HAVE A RECORD OF EXTENDING THE TIME FOR PAYMENT
39 OF THE CIVIL PENALTY OR PROVIDING FOR INSTALLMENT PAYMENTS.

40 D. IF THE COURT IS PROHIBITED FROM INITIATING COLLECTION PROCEDURES ON
41 AN UNPAID CIVIL PENALTY, FROM NOTIFYING THE DEPARTMENT TO SUSPEND A PERSON'S
42 DRIVER LICENSE, PERMIT OR PRIVILEGE TO DRIVE A MOTOR VEHICLE IN THIS STATE OR
43 FROM NOTIFYING THE DEPARTMENT TO REFUSE TO RENEW A VEHICLE REGISTRATION,
44 PURSUANT TO SUBSECTION C OF THIS SECTION, THE COURT SHALL NOTIFY THE

1 DEPARTMENT AND THE DEPARTMENT SHALL REMOVE THE VIOLATION FROM THE PERSON'S
2 DRIVING RECORD.

3 ~~E.~~ E. With the approval of the supreme court, the presiding judge of
4 any court may periodically conduct a program aimed at reducing the amount of
5 outstanding fines, penalties and surcharges. Notwithstanding any other law,
6 except a fine ordered as a result of a violation of section 28-1381 or
7 28-1382, the program may include authorizing up to a fifty per cent reduction
8 in the total amount of a court ordered fine, penalty or surcharge that is due
9 and that is delinquent for at least twelve months followed by an increased
10 enforcement effort for a fine, penalty or surcharge that is not paid. The
11 supreme court shall adopt rules of procedure for the programs.

12 ~~D.~~ F. If penalties are reduced pursuant to subsection ~~E~~ E of this
13 section, associated surcharges and assessments shall be reduced in proportion
14 to the reduction. This subsection does not apply to section 12-116.

15 G. IF A PERSON PRESENTS REASONABLE EVIDENCE TO THE COURT THAT A CIVIL
16 PENALTY AND ANY OTHER FEES, FINES OR SURCHARGES REQUIRED BY THE COURT HAVE
17 BEEN PAID, THE COURT SHALL CEASE ITS COLLECTION ACTIVITIES FOR THAT CIVIL
18 PENALTY AND ORDER THE DEPARTMENT TO IMMEDIATELY RESCIND ITS ACTIONS RELATED
19 TO THE COURT'S ORDER OR REQUEST TO SUSPEND THE PERSON'S DRIVER LICENSE,
20 PERMIT OR PRIVILEGE TO DRIVE PURSUANT TO SUBSECTION A OF THIS SECTION OR
21 REFUSE TO RENEW THE PERSON'S VEHICLE REGISTRATION PURSUANT TO ARTICLE 5 OF
22 THIS CHAPTER.

APPROVED BY THE GOVERNOR MAY 8, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 9, 2007.

Passed the House February 26, 20 07

Passed the Senate April 16, 20 07

by the following vote: 57 Ayes,

by the following vote: 24 Ayes,

1 Nays, 2 Not Voting

1 Nays, 5 Not Voting

[Signature]
Speaker of the House
Pro Tempore

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

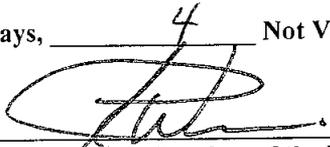
Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

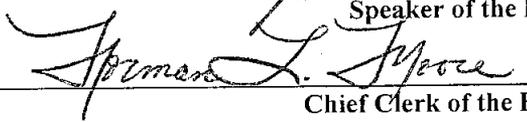
May 3, 2007,

by the following vote: 54 Ayes,

2 Nays, 4 Not Voting



Speaker of the House



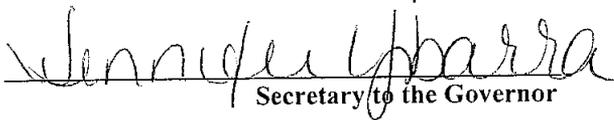
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

3rd day of May, 2007,

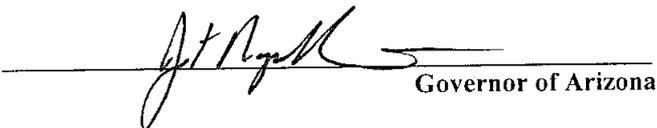
at 12:14 o'clock P. M.


Secretary to the Governor

Approved this 8 day of

May, 2007,

at 5⁰⁰ o'clock P. M.


Governor of Arizona

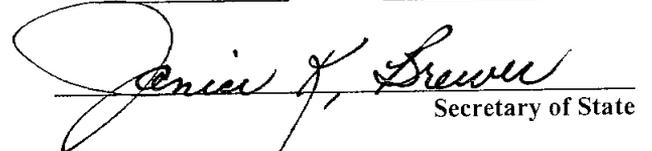
H.B. 2226

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 9 day of May, 2007,

at 7:35 o'clock A. M.


Secretary of State