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

# 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 HAS NO PAPER OR ELECTRONIC RECORD DATED WITHIN THIRTY-SIX
29  MONTHS AFTER THE TRAFFIC VIOLATION OCCURS INDICATING THAT THE RESPONSIBLE
30  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 HAS NO RECORD OF EXTENDING THE TIME FOR PAYMENT OF THE
39  CIVIL PENALTY OR PROVIDING FOR INSTALLMENT PAYMENTS.
40          C. D.  With the approval of the supreme court, the presiding judge of
41  any court may periodically conduct a program aimed at reducing the amount of
42  outstanding fines, penalties and surcharges.  Notwithstanding any other law,
43  except a fine ordered as a result of a violation of section 28-1381 or
44  28-1382, the program may include authorizing up to a fifty per cent reduction
45  in the total amount of a court ordered fine, penalty or surcharge that is due

1   and that is delinquent for at least twelve months followed by an increased
2   enforcement effort for a fine, penalty or surcharge that is not paid.  The
3   supreme court shall adopt rules of procedure for the programs.
4       D.  E.  If penalties are reduced pursuant to subsection C  D of this
5   section, associated surcharges and assessments shall be reduced in proportion
6   to the reduction.  This subsection does not apply to section 12-116.
7       F.  IF A PERSON PRESENTS REASONABLE EVIDENCE TO THE COURT THAT A CIVIL
8   PENALTY AND ANY OTHER FEES, FINES OR SURCHARGES REQUIRED BY THE COURT HAVE
9   BEEN PAID, THE COURT SHALL CEASE ITS COLLECTION ACTIVITIES FOR THAT CIVIL
10  PENALTY AND ORDER THE DEPARTMENT TO IMMEDIATELY RESCIND ITS ACTIONS RELATED
11  TO THE COURT'S ORDER OR REQUEST TO SUSPEND THE PERSON'S DRIVER LICENSE,
12  PERMIT OR PRIVILEGE TO DRIVE PURSUANT TO SUBSECTION A OF THIS SECTION OR
13  REFUSE TO RENEW THE PERSON'S VEHICLE REGISTRATION PURSUANT TO ARTICLE 5 OF
14  THIS CHAPTER.