

REFERENCE TITLE: traffic tickets; civil penalties; collection

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

## **HB 2226**

Introduced by  
Representative McClure, Senator Bee: Representatives Alvarez, Mason,  
Nelson, Pearce, Rios P, Stump

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. WHEN THE COURT NOTIFIES THE DEPARTMENT PURSUANT TO SUBSECTION A OF  
17 THIS SECTION, THE COURT OR AN ENTITY DESIGNATED BY THE COURT SHALL SEND  
18 NOTICE BY FIRST CLASS MAIL TO THE PERSON WHO IS RESPONSIBLE FOR PAYING THE  
19 CIVIL PENALTY. THE NOTICE SHALL BE SENT TO THE MOST RECENT ADDRESS THAT THE  
20 RESPONSIBLE PERSON PROVIDED TO THE COURT. THE NOTICE SHALL STATE THAT THE  
21 ENTIRE CIVIL PENALTY IS DUE AND SUBJECT TO COLLECTION. SERVICE OF NOTICE IS  
22 COMPLETE ON MAILING.

23 C. IF THE COURT DECLARES THE CIVIL PENALTY IS UNPAID PURSUANT TO  
24 SUBSECTION A OF THIS SECTION AND THE RESPONSIBLE PERSON CANNOT PRODUCE  
25 EVIDENCE SATISFACTORY TO THE COURT THAT THE ENTIRE CIVIL PENALTY HAS BEEN  
26 PAID, THE AMOUNT OWED TO THE COURT REMAINS DUE UNTIL PAID.

27 D. THE COURT SHALL RETAIN A PAPER OR ELECTRONIC COPY OF THE NOTICE  
28 THAT INCLUDES THE MAILING DATE OF THE NOTICE PRESCRIBED IN SUBSECTION B OF  
29 THIS SECTION FOR AS LONG AS THE COURT IS ATTEMPTING TO COLLECT THE UNPAID  
30 CIVIL PENALTY OR ANY PORTION OF THE PENALTY.

31 ~~B-~~ E. Notwithstanding subsection A of this section, if a civil  
32 penalty is paid on entry of judgment, the court may reduce the civil penalty  
33 by up to five per cent of the penalty imposed.

34 ~~C-~~ F. With the approval of the supreme court, the presiding judge of  
35 any court may periodically conduct a program aimed at reducing the amount of  
36 outstanding fines, penalties and surcharges. Notwithstanding any other law,  
37 except a fine ordered as a result of a violation of section 28-1381 or  
38 28-1382, the program may include authorizing up to a fifty per cent reduction  
39 in the total amount of a court ordered fine, penalty or surcharge that is due  
40 and that is delinquent for at least twelve months followed by an increased  
41 enforcement effort for a fine, penalty or surcharge that is not paid. The  
42 supreme court shall adopt rules of procedure for the programs.

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