

Senate Engrossed

driver license suspensions; restrictions

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 189
SENATE BILL 1551

AN ACT

AMENDING SECTIONS 13-825, 28-1601, 28-1603, 28-3480 AND 28-3482, ARIZONA
REVISED STATUTES; RELATING TO DRIVING PRIVILEGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-825, Arizona Revised Statutes, is amended to
3 read:

4 13-825. Mitigation of fines and surcharges

5 A. A judge may mitigate a fine ~~that is not mandatory~~ if the
6 defendant who is ordered to pay the fine demonstrates that the payment
7 would work a hardship on the defendant or on the defendant's immediate
8 family, EXCEPT THAT A JUDGE MAY NOT MITIGATE A FINE IMPOSED PURSUANT TO
9 SECTION 28-1381, 28-1382 OR 28-1383.

10 B. In determining whether to mitigate a fine, the court may
11 consider any relevant evidence, including:

12 1. The impact of the fine on the ability of the defendant to pay
13 the restitution.

14 2. The extent of the financial hardship on the defendant or on the
15 defendant's immediate family.

16 3. Whether the defendant is receiving benefits pursuant to any of
17 the following:

18 (a) The temporary assistance for needy families program established
19 by section 403 of title IV of the social security act.

20 (b) The supplemental nutrition assistance program (7 United States
21 Code sections 2011 through 2036c).

22 (c) The supplemental security income program (42 United States Code
23 sections 1381 through 1383f).

24 4. Whether the defendant is seeking, obtaining or maintaining
25 employment if legally permitted to do so or is attending school.

26 5. A defendant's medical condition.

27 C. A judge may mitigate a surcharge that is imposed pursuant to
28 sections 12-116.01 and 12-116.02 if the fine is mandatory.

29 Sec. 2. Section 28-1601, Arizona Revised Statutes, is amended to
30 read:

31 28-1601. Failure to pay civil penalty; suspension or
32 restriction of driving privilege; collection
33 procedure

34 A. A person shall pay all civil penalties within thirty days from
35 entry of judgment, except that if payment within thirty days will place an
36 undue economic burden on a person, the court may extend the time for
37 payment or may provide for installment payments. If the civil penalty is
38 not paid or an installment payment is not made when due, the court may
39 declare the entire civil penalty, SURCHARGE OR ASSESSMENT due. ~~and, if so,~~
40 ~~the court shall do either of the following:~~

41 B. IF THE PERSON WHO OWES THE CIVIL PENALTY, SURCHARGE OR
42 ASSESSMENT DESCRIBED IN SUBSECTION A OF THIS SECTION HOLDS A COMMERCIAL
43 DRIVER LICENSE, THE COURT SHALL EITHER:

1 1. Notify the department and the department shall promptly suspend
2 the person's driving privilege or the person's application or privilege to
3 apply for a driving privilege until the civil penalty is paid.

4 2. Order that the person's driving privilege be restricted as
5 described in section 28-144 until the civil penalty is paid and notify the
6 department of the restriction.

7 ~~B.~~ C. Notwithstanding subsection A of this section, if a civil
8 penalty is paid on entry of judgment, the court may reduce the civil
9 penalty by up to five percent of the penalty imposed.

10 ~~C.~~ D. Notwithstanding subsection A of this section, the court
11 shall not initiate collection procedures on an unpaid civil penalty,
12 notify the department to suspend OR RESTRICT a person's driver license,
13 permit or privilege to drive a motor vehicle in this state or notify the
14 department to refuse to renew a vehicle registration for an unpaid civil
15 traffic violation if all of the following apply:

16 1. The unpaid civil penalty is for a traffic violation for which
17 the final disposition occurs more than thirty-six months before the court
18 initiates collection proceedings.

19 2. The court does not have a paper or electronic record dated
20 within thirty-six months after the traffic violation occurs indicating
21 that the responsible person was notified that the civil penalty is unpaid
22 and due.

23 3. The court has not notified the department to suspend the
24 responsible person's driver license or permit or privilege to drive a
25 motor vehicle in this state OR TO RESTRICT THE PERSON'S DRIVING PRIVILEGE
26 AS DESCRIBED IN SECTION 28-144, IF APPLICABLE.

27 4. The court has not notified either the responsible person or the
28 department about the court's request to the department to refuse to renew
29 the responsible person's vehicle registration pursuant to article 5 of
30 this chapter.

31 5. The court does not have a record of extending the time for
32 payment of the civil penalty or providing for installment payments.

33 ~~D.~~ E. If the court is prohibited from initiating collection
34 procedures on an unpaid civil penalty from notifying the department to
35 suspend OR RESTRICT a person's driver license, permit or privilege to
36 drive a motor vehicle in this state or from notifying the department to
37 refuse to renew a vehicle registration, pursuant to subsection ~~C.~~ D of
38 this section, the court shall notify the department and the department
39 shall remove the violation from the person's driving record.

40 ~~E.~~ F. With the approval of the supreme court, the presiding judge
41 of any court may periodically conduct a program aimed at reducing the
42 amount of outstanding fines, penalties, assessments and surcharges.
43 Notwithstanding any other law, except a fine ordered as a result of a
44 violation of section 28-1381 or 28-1382, the program may include
45 authorizing up to a fifty percent reduction in the total amount of a court

1 ordered fine, penalty, assessment or surcharge that is due and that is
2 delinquent for at least twelve months followed by an increased enforcement
3 effort for a fine, penalty, assessment or surcharge that is not paid. The
4 supreme court shall adopt rules of procedure for the programs.

5 ~~F.~~ G. If penalties are reduced pursuant to subsection ~~F~~ F of this
6 section, associated surcharges and assessments shall be reduced in
7 proportion to the reduction. This subsection does not apply to section
8 12-116.

9 ~~G.~~ H. If a person presents reasonable evidence to the court that a
10 civil penalty and any other fees, fines, assessments or surcharges
11 required by the court have been paid, the court shall cease its collection
12 activities for that civil penalty and order the department to immediately
13 rescind its actions related to the court's order or request to suspend OR
14 RESTRICT the person's driver license, permit or privilege to drive
15 pursuant to subsection A of this section or refuse to renew the person's
16 vehicle registration pursuant to article 5 of this chapter.

17 I. IF, ON OR BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS
18 SECTION, THE DEPARTMENT SUSPENDED OR RESTRICTED A DRIVING PRIVILEGE, OTHER
19 THAN A COMMERCIAL DRIVER LICENSE, PURSUANT TO THIS SECTION, THE DEPARTMENT
20 SHALL RESCIND THE SUSPENSION OR RESTRICTION AND REINSTATE THE PERSON'S
21 DRIVING PRIVILEGE IF THE SUSPENSION OR RESTRICTION RESULTED FROM THE
22 PERSON BEING FOUND RESPONSIBLE FOR A CIVIL TRAFFIC VIOLATION AND NOT
23 PAYING A CIVIL PENALTY IMPOSED FOR THAT CIVIL TRAFFIC VIOLATION.

24 Sec. 3. Section 28-1603, Arizona Revised Statutes, is amended to
25 read:

26 28-1603. Civil penalty mitigation or waiver

27 A. Notwithstanding any other law, a judge may mitigate OR WAIVE any
28 civil penalty that is required under chapters 3, 5, 7 and 9 of this title
29 if the person who is ordered to pay the penalty demonstrates that the
30 payment would be a hardship on the person or on the person's immediate
31 family.

32 B. In determining whether to mitigate a civil penalty, the court
33 may consider any relevant information, including any of the following:

34 1. The civil penalty's impact on the person's ability to pay
35 restitution.

36 2. Whether the civil penalty would constitute a financial hardship
37 to the person or the person's immediate family.

38 3. Whether the person receives temporary assistance for needy
39 families pursuant to 42 United States Code section 603 or supplemental
40 nutrition assistance pursuant to 7 United States Code sections 2011
41 through 2036c.

42 4. Whether the person receives benefits pursuant to the
43 supplemental security income program (42 United States Code sections 1381
44 through ~~1385~~ 1383(f)).

1 5. Whether the person is legally authorized to be employed and is
2 seeking, obtaining or maintaining employment or is attending school.

3 C. This section does not apply to the surcharge imposed and
4 collected pursuant to section 16-954, subsection A.

5 Sec. 4. Section 28-3480, Arizona Revised Statutes, is amended to
6 read:

7 28-3480. Operation in violation of restriction;
8 classification; civil traffic violation

9 A. EXCEPT AS PROVIDED IN SUBSECTIONS B AND C OF THIS SECTION, a
10 person who operates a motor vehicle in violation of a driver license
11 restriction is guilty of a class 2 misdemeanor.

12 B. If the restriction that is violated is the requirement to wear
13 corrective lenses while operating a motor vehicle, the person is
14 responsible for a civil traffic violation.

15 C. IF THE RESTRICTION THAT IS VIOLATED IS IMPOSED PURSUANT TO
16 SECTION 28-1601 OR 28-3308, THE PERSON IS RESPONSIBLE FOR A CIVIL TRAFFIC
17 VIOLATION.

18 D. IF THE PERSON IS CITED FOR A VIOLATION OF SUBSECTION C OF THIS
19 SECTION AND PRESENTS EVIDENCE TO THE COURT THAT THE PERSON'S UNRESTRICTED
20 DRIVING PRIVILEGE HAS BEEN REINSTATED, THE COURT MAY DISMISS THE CITATION.

21 Sec. 5. Section 28-3482, Arizona Revised Statutes, is amended to
22 read:

23 28-3482. Driving on a license suspended for failure to appear
24 or pay; restricted privilege to drive; civil
25 penalty; dismissal

26 A. A person may not drive a motor vehicle on a public highway if
27 the person's privilege to drive a motor vehicle is suspended pursuant to
28 section 28-1601 or 28-3308.

29 B. A person who violates this section is responsible for a civil
30 traffic violation AND IS NOT SUBJECT TO VEHICLE TOWING OR IMPOUND PURSUANT
31 TO SECTION 28-3511.

32 C. If a person is cited for a violation of this section and the
33 person presents evidence to the court that the person's unrestricted
34 privilege to drive has been reinstated, the court may dismiss the charge
35 of driving under a suspended license.

APPROVED BY THE GOVERNOR APRIL 7, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2021.