

REFERENCE TITLE: defensive driving schools; fees..

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1442

Introduced by
Senators Fernandez: Alston, Bolick, Diaz, Gabaldón, Gowan, Hatathlie,
Shamp, Sundareshan; Representative Terech

AN ACT

AMENDING SECTIONS 28-3396 AND 28-3397, ARIZONA REVISED STATUTES; RELATING
TO DEFENSIVE DRIVING SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-3396, Arizona Revised Statutes, is amended to
3 read:

4 28-3396. Court diversion fee

5 A. The presiding judge of each court shall:

6 1. Set the amount of the court diversion fee that an individual,
7 including an individual who holds a commercial driver license, who attends
8 a defensive driving school may be assessed.

9 2. Charge an individual a ~~forty-five dollar~~ \$45 surcharge if the
10 individual attends a defensive driving school.

11 3. Immediately inform the supreme court in writing of the amount of
12 the court diversion fee that is established for the court and the total
13 cost to attend a defensive driving school.

14 4. Immediately inform the supreme court in writing of any changes
15 in the total cost to attend a defensive driving school.

16 B. Payment of the court diversion fee and surcharge is in lieu of
17 payment of a civil penalty or criminal fine and any surcharge that are
18 imposed for a traffic violation.

19 C. The ~~driving school~~ COURT OF RECORD shall collect the court
20 diversion fee and surcharge before or at the time an individual attends
21 the DRIVING school. ~~On receipt of the diversion fee, the defensive~~
22 ~~driving school shall transmit the fee promptly to the appropriate court~~
23 ~~pursuant to procedures prescribed by the supreme court.~~ On receipt of the
24 surcharge, the ~~defensive driving school~~ COURT OF RECORD shall transmit the
25 surcharge promptly to the state treasurer for deposit, pursuant to
26 sections 35-146 and 35-147, as follows:

27 1. The first ~~ten million four hundred thousand dollars~~ \$10,400,000
28 in revenue annually in the department of public safety forensics fund
29 established by section 41-1730.

30 2. All remaining money in the state general fund.

31 Sec. 2. Section 28-3397, Arizona Revised Statutes, is amended to
32 read:

33 28-3397. Additional fees; disposition

34 A. In addition to the court diversion fee and the fee for the cost
35 to attend a defensive driving school, a person who attends a defensive
36 driving school pursuant to this article or by a court order shall pay a
37 fee of not more than ~~fifteen dollars~~ \$15 that is established by the
38 supreme court.

39 B. Before or at the time an individual attends a defensive driving
40 school, the ~~school~~ COURT OF RECORD shall collect the defensive driving
41 school fund fee established pursuant to this section and the SCHOOL SHALL
42 COLLECT THE fee, if any, charged by the defensive driving school for the
43 course.

1 C. The ~~defensive driving school~~ COURT OF RECORD shall transmit the
2 fee established by the supreme court pursuant to this section to the
3 supreme court. The supreme court shall deposit the fee in the defensive
4 driving school fund established by section 28-3398 pursuant to procedures
5 established by the supreme court.