

REFERENCE TITLE: failure to pay; suspension; restriction

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

## **SB 1673**

Introduced by  
Senator Gowan

AN ACT

AMENDING SECTIONS 28-1601 AND 28-3308, 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 28-1601, Arizona Revised Statutes, is amended to  
3 read:

4 28-1601. Failure to pay civil penalty; suspension or  
5 restriction of driving privilege; collection  
6 procedure

7 A. A person shall pay all civil penalties within thirty days ~~from~~  
8 AFTER AN entry of judgment, except that if payment within thirty days will  
9 place an undue economic burden on a person, the court may extend the time  
10 for payment or may provide for installment payments. If the civil penalty  
11 is not paid or an installment payment is not made when due, the court may  
12 declare the entire civil penalty, surcharge or assessment due.

13 B. Notwithstanding subsection A of this section, if a civil penalty  
14 is paid on entry of judgment, the court may reduce the civil penalty by up  
15 to five percent of the penalty imposed.

16 C. Notwithstanding subsection A of this section, the court shall  
17 not initiate collection procedures on an unpaid civil penalty or notify  
18 the department to refuse to renew a vehicle registration for an unpaid  
19 civil traffic violation PENALTIES if all of the following apply:

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

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

27 3. 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 4. 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. If the court is prohibited from initiating collection procedures  
34 on an unpaid civil penalty and from notifying the department to refuse to  
35 renew a vehicle registration, pursuant to subsection C of this section,  
36 the court shall notify the department and the department shall remove the  
37 violation from the person's driving record.

38 E. With the approval of the supreme court, the presiding judge of  
39 any court may periodically conduct a program aimed at reducing the amount  
40 of outstanding fines, penalties, assessments and surcharges.  
41 Notwithstanding any other law, except a fine ordered as a result of a  
42 violation of section 28-1381 or 28-1382, the program may include  
43 authorizing up to a fifty percent reduction in the total amount of a court  
44 ordered fine, penalty, assessment or surcharge that is due and that is  
45 delinquent for at least twelve months followed by an increased enforcement

1 effort for a fine, penalty, assessment or surcharge that is not paid. The  
2 supreme court shall adopt rules of procedure for the programs.

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

7 G. If a person presents reasonable evidence to the court that a  
8 civil penalty and any other fees, fines, assessments or surcharges  
9 required by the court have been paid, the court shall cease its collection  
10 activities for that civil penalty and order the department to immediately  
11 rescind its actions related to the court's order or request to refuse to  
12 renew the person's vehicle registration pursuant to article 5 of this  
13 chapter.

14 H. NOTWITHSTANDING SUBSECTIONS A AND C OF THIS SECTION, THE COURT  
15 MAY NOT NOTIFY THE DEPARTMENT TO REFUSE TO RENEW A VEHICLE REGISTRATION  
16 FOR AN UNPAID CIVIL TRAFFIC VIOLATION PENALTIES UNLESS THE COURT FINDS  
17 THAT THE PERSON WILFULLY FAILED TO PAY THE CIVIL PENALTY.

18 Sec. 2. Section 28-3308, Arizona Revised Statutes, is amended to  
19 read:

20 28-3308. Mandatory suspension; failure to appear; failure to  
21 pay

22 On notification by the court that a person failed to appear as  
23 directed for a scheduled court appearance after service of a criminal  
24 complaint alleging a violation of a provision of this title, the  
25 department shall suspend the person's driver license or nonresident  
26 operating privilege until the person appears. If the person appears and  
27 does not pay the person's fines, surcharges or assessments, ~~or~~  
28 ~~notification by the court the department~~ shall DETERMINE WHETHER THE  
29 FAILURE TO PAY IS WILFUL AND, IF SO, WHETHER TO suspend the person's  
30 driving privileges or restrict the person's driving privileges as  
31 described in section 28-144 until the fines, surcharges and assessments  
32 are paid. IF THE COURT DETERMINES TO SUSPEND OR RESTRICT THE PERSON'S  
33 DRIVING PRIVILEGES, THE COURT SHALL NOTIFY THE DEPARTMENT TO SUSPEND OR  
34 RESTRICT THE PERSON'S DRIVING PRIVILEGES.