



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

House: TRANS DP 6-2-1-3

HB 2110: civil penalties; traffic; mitigation; restitution

Sponsor: Representative Biasiucci, LD 5

House Engrossed

Overview

Allows the court to order a person to perform community restitution in lieu of a monetary obligation imposed for a civil traffic violation at a rate that is equal to the state minimum wage.

History

A violation of or failure or refusal to do or perform an act or thing required by statutes relating to traffic and vehicle regulations, vehicle violations, certificate of title and registration, driver licenses and vehicle insurance responsibilities is a civil traffic violation unless a different classification is provided ([A.R.S. § 28-121](#)). Unless otherwise stated, a civil penalty imposed will not exceed \$250 and the court may levy surcharges under sections [12-116.01](#) and [12-116.02](#) ([A.R.S § 28-1598](#)). An offender of some civil traffic penalties may also attend a defensive driving school, pay a court diversion fee and a \$45 surcharge to attend the defensive driving school ([A.R.S § 28-3396](#)).

Pursuant to [A.R.S. § 28-1603](#), a judge is allowed to mitigate any civil penalty pursuant to a civil traffic violation if the person who is ordered to pay the penalty demonstrates that the payment would be a hardship on their life or immediate family. The court is allowed to consider any relevant information in determining whether to mitigate a civil penalty, including: 1) the civil penalty's impact on the person's ability to pay restitution; 2) whether the civil penalty would constitute a financial hardship to the person or their immediate family; 3) whether the person receives Temporary Assistance for Needy Families or Supplemental Nutritional Assistance; 4) whether the person receives benefits pursuant to the Supplemental Security Income Program; and 5) whether the person is legally authorized to be employed and is seeking, obtaining or maintaining employment or is attending school.

Provisions

1. Allows the court to order a person to perform community restitution in lieu of a monetary obligation imposed for a civil traffic violation at sentencing. (Sec. 2)
2. Requires the court to determine the location where the community restitution is to be performed. (Sec. 2)
3. Requires the court to credit any community restitution performed at a rate that is equal to the state minimum wage. (Sec. 2)
4. Allows a judge to mitigate a civil penalty for a motor vehicle driver license violation. (Sec. 1)
5. Defines the term *monetary obligation*. (Sec. 2)
6. Contains a technical change. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note