

Supreme Court of Arizona  
Administrative Office of the Courts  
Court Services Division  
1501 West Washington, Suite 410  
Phoenix, AZ. 85007

## MEMORANDUM

**TO:** Limited Jurisdiction Judges  
Limited Jurisdiction Court Administrators  
Superior Court Administrators

**FROM:** Janet Scheiderer

**SUBJECT:** Implementation of Laws 2009, Chapter 165, HB2224

**DATE:** September 2, 2009

This memorandum and attachment provides information related to implementation of Laws 2009, Chapter 165, regarding the disposition of mandatory insurance violations (A.R.S. § 28-4135(A), (B) and (C)). The bill transfers the responsibility for suspending the driver license for a violation of A.R.S. § 28-4135 from the court to the Motor Vehicle Division (MVD). MVD is now required, effective September 30, 2009, to administratively suspend the license and registration upon receiving notice of a finding of responsibility, unless the court waives the suspension.

The bill also changes the language of A.R.S. § 28-4137 to read, “The court may reduce or waive the penalty imposed for a violation of A.R.S. § 28-4135 if the person subject to the penalty presents to the court proof of both of the following:

- The person has not been found responsible for a violation of A.R.S. § 28-4135 within the past twenty-four months or not more than one violation within the past thirty-six months as evidenced by the person’s driving record.
- The person has purchased a six month policy of insurance that meets the requirements of A.R.S. § 28-4009.”

The AOC has been informed by several courts that it not uncommon for a court to reduce the monetary penalties associated with a conviction of A.R.S. § 28-4135 and to completely waive the driver license, license plate and registration suspension portion of the penalty if the defendant obtains insurance coverage. Current disposition codes accepted by MVD do not accommodate suspending or waiving only a portion of the penalty, and AOC recognizes that submitting manual abstracts to MVD to instruct the department NOT to take suspension action on these cases would create a workload hardship for staff who complete the Court Abstract. After meeting with a

representative group of judges and court staff, and subsequently meeting with MVD staff, it was decided that to avoid an administrative suspension, MVD needs to receive a “W” in the conviction file in position 284. This solution is only available for courts that report disposition information to MVD electronically. Courts that report manually to MVD must still submit a manual abstract.

Functionally, the AZTEC case management system creates a file with multiple fields that represent defendant, violation and conviction information. The file is transmitted to a server at the AOC where once each day (at about 6 p.m.) a batch process is run that combines the files from every court that reports into one file. MVD then uses the combined file to update the records in its system. The file will include a “W” in position 284 of the MVD conviction report when an event code of 5463 has been entered in conjunction with a disposition code of 10, 11, 12, 20, 21, or 22 on a violation of A.R.S. § 28-4135(A), (B) or (C). By September 30, 2009, courts on the statewide case management system will receive an updated version of AZTEC that incorporates the changes to the MVD conviction report.

The attached procedures provide detailed information on how to report dispositions for defendants found responsible for violations of A.R.S. § 28-4135. The procedures include how to report manually with an abstract or electronically through AZTEC. Please review the information carefully and follow the recommended steps when reporting dispositions for a violation of A.R.S. § 28-4135 that occurs on or after September 30, 2009.

Should you have questions regarding HB2224, the following resources are available to you:

MVD Questions:	Richard Schweinsburg	<a href="mailto:rschweinsburg@dot.state.az.us">rschweinsburg@dot.state.az.us</a>
AZTEC Questions:	Melanie Cluff	<a href="mailto:mcluff@courts.az.gov">mcluff@courts.az.gov</a>

## Court's To Do Check List

HB2224: Mandatory Insurance

Effective September 30, 2009

<b>Operational Concerns</b>			
#	<input checked="" type="checkbox"/>	Item	Further Description/Information
1		Determine how or if bond card should be updated.	<p>Some courts may choose to disallow mail in payments for violations of A.R.S. § 28-4135(A), (B) or (C). If so, those violations should NOT appear on the bond card.</p> <p>Other courts have determined that Defendants can mail in payments, but bond cards should be changed to provide language advising Defendants of consequences. Those consequences are that by pleading responsible and paying, their license, registration and plates will be suspended by MVD for 3, 6, or 12 months depending on prior convictions.</p>
2		Ensure that all judges and staff are aware of the changes resulting from passage of HB2224.	<p>Financial sanctions remain the same. However, upon receipt of the conviction information, MVD is required to suspend driver's license and registration for 3, 6, or 12 months dependant on prior convictions. Per A.R.S. § 28-4137(A), the court may reduce or waive the penalty imposed for a violation of A.R.S. § 28-4135 if the individual presents proof of both of the following 1) the person has not been found responsible for a violation of A.R.S. § 28-4135 within the past 24 months or not more than one violation within the past 36 months as evidenced by the person's driving record, and 2) the person has purchased a six month policy of insurance that meets the requirements of section A.R.S. § 28-4009.</p>
3		Train staff regarding any changes in reporting to MVD.	<p>If court already reports convictions electronically through AOC, staff should be fully informed of the requirements for entering event code 5463 on the same date that the disposition is entered and saved if the court wishes to waive or reduce the suspensions. (more details on pg 7)</p> <p>If the court reports convictions to MVD manually, staff should be informed of the requirements for completing all sections of the abstract appropriately and submitting that manual abstract to MVD in a timely manner.</p>
4		Determine whether court will use the "Information Sheet" that has been developed.	Court staff should determine if the attached "Information Sheet" will be shared with defendants.

## IMPORTANT INFORMATION SHEET – NO INSURANCE

Effective September 30, 2009, Arizona Revised Statute (A.R.S.) § 28-4135 *requires* the Motor Vehicle Department (MVD) to administratively suspend the driver's license and registration of any person convicted of a violation of A.R.S. § 28-4135(A), (B) and (C) upon receipt of the abstract of the record of judgment. The monetary penalties associated with violations of the above referenced statute remain the same and are:

- \$500 + surcharges and court fees, for a first offense
- \$750+ surcharges and court fees, for a second offense
- \$1000 + surcharges and court fees, for a third offense.

Effective September 30, 2009, the statute also allows the court to reduce or waive the penalty imposed for a violation of A.R.S. § 28-4135 if the person provides proof of both the following items:

- The defendant (driver) not been found responsible of a violation of A.R.S. § 28-4135 within the past 24 months OR has not had more than one violation of A.R.S. § 28-4135 with the past 36 months as evidenced by the person's driving record.
- The defendant has purchased a six month policy of insurance that meets the requirements of A.R.S. § 28-4009.

The statute allows the court to:

- waive the monetary penalty
- waive only the driver's license suspension
- waive only the registration suspension
- waive both the driver's license suspension and registration suspension
- impose a lower monetary penalty, or
- any combination of the items listed here

Upon receipt of the record of judgment, MVD is responsible for entering a suspension of the defendant's driver license and/or registration/plates in their system. In order to ensure that the defendant is in compliance with the suspension and to receive timely notification from MVD, the defendant must ensure that MVD has their most current address.

The suspension of the defendant's driver license/registration/plates is not effective until MVD mails the Corrective Action Notice to the address of record. Service of notice is considered complete upon the mailing of the Corrective Action Notice. The Corrective Action Notice will provide information of the effective date for the suspension and reinstatement requirements (e.g., fees, SR22, proof of insurance, etc).

Defendants may be eligible for a MVD issued restricted license if they obtain a SR22, proof of insurance and they comply with the additional criteria established by the MVD.

**To determine eligibility and for any other questions regarding suspension, defendants should contact MVD at: <http://www.azdot.gov/MVD/index.asp>**

Phoenix (602) 255-0072

Tucson (520) 629-9808

### TTD Systems Only

Phoenix (602) 712-3222

Elsewhere in Arizona 1-800-251-5866

## **AZTEC Data Requirements for electronic transmission of the “W” flag**

Complete the below steps below **ONLY** if it is the judicial officer’s intention to waive the entire MVD suspension (DL and registration) action.

- 1        Upon a finding or pleading of responsible, enter appropriate disposition code in the Charge/Disposition screen (10, 11, 12, 20, 21, or 22)
- 2        Enter disposition date based on adjudication date
- 3        CNTL – T to save Charge/Disposition screen
- 4        Go directly to case docket (*on the same day disposition was entered*) and enter event code 5463 – M/I Suspension Waived
- 5        Tab or enter through fields on Case Docket Screen. You may wish to add descriptive text indicating judicial order to waive the suspension

If an electronic court wishes to only suspend on one or the other (DL or registration), complete the above steps in conjunction with a manual court abstract. See sample abstracts on the following pages.

# Waiving the Mandatory Insurance Suspension

 <b>Motor Vehicle Division</b> Mail Drop 537M Motor Vehicle Division 1801 W Jefferson St PO Box 2100 Phoenix AZ 85001-2100	<b>COURT ABSTRACT</b>	
	<input type="checkbox"/> Amended	Originating Date (MVD Use)
26-0117 R08/07 www.azdot.gov		
Customer Name (first, middle, last, suffix) John T. Doe		Date of Birth 5/5/1980
Street Address 4500 Happy Road		City Phoenix
State AZ		Zip 85000
Driver License/ID Number D01234567	Class D	State AZ
Complaint Number 5678910 A	Court ID Number A0001	Citing Agency DPS
Violation Date 10/12/2009		
Accident <input type="checkbox"/> Yes <input type="checkbox"/> No	Violation Code 28-4135A	Approx. Speed
Lawful Speed	Vehicle Plate Number ABC1234	State AZ
Make FORD		
Court Docket Number TR200912345	Disposition Code 11	Disposition Date 10/15/2009
Fine/Sanction \$109		
Serious Physical Injury <input type="checkbox"/> Yes <input type="checkbox"/> No	Fatality <input type="checkbox"/> Yes <input type="checkbox"/> No	Drugs (13-3401) 28-1381A1 <input type="checkbox"/> Yes <input type="checkbox"/> No
Alcohol Class/Treatment <input type="checkbox"/> Yes <input type="checkbox"/> No	Commercial Vehicle <input type="checkbox"/> Yes <input type="checkbox"/> No	Hazardous Material <input type="checkbox"/> Yes <input type="checkbox"/> No
• <b>IGNITION INTERLOCK ORDERED</b> (No box need be checked in this section.) <input type="checkbox"/> The Court has ordered an additional _____ months. Extreme DUI Sentencing Authority Sep 19, 2007 and After _____ months, if indicated above, is _____ months. <input type="checkbox"/> 28-1382D with BAC of 0.20 or higher interlock time period. <input type="checkbox"/> 28-1382F with BAC of 0.20 or higher		
• <b>MANDATORY INSURANCE SUSPENSION</b> pursuant to: Jan 1, 1998 and After <input checked="" type="checkbox"/> 28-4135A <span style="border: 1px solid black; padding: 2px;">Number of Months Suspended M/I SUSPENSION WAIVED</span> <input type="checkbox"/> 28-4135B <input type="checkbox"/> 28-4135C <input type="checkbox"/> Court directs MVD to suspend the: <input type="checkbox"/> Driving Privileges <input type="checkbox"/> Vehicle Registration <input type="checkbox"/> Driving Privileges and Vehicle Registration		
• <b>JUVENILE/UNDER AGE SUSPENSION</b> pursuant to: <input type="checkbox"/> 28-3320A7 Court has suspended the driving privileges <input type="checkbox"/> 8-323 Court has suspended the driving privileges <input type="checkbox"/> 28-3320D Court has suspended the driving privileges <input type="checkbox"/> 8-323 Court has restricted the driving privileges <input type="checkbox"/> 28-3320B Court has restricted the driving privileges <input type="checkbox"/> 28-3322B Court has restricted the driving privileges (4-244.33 for 18-20 yrs.)		
Beginning Suspension Date	Ending Suspension Date	Beginning Restriction Date
		Ending Restriction Date
<input type="checkbox"/> Terms of Probation		Restricted To
• <b>OTHER ACTIONS</b> Pursuant To <input type="checkbox"/> Court has revoked the driving privileges <input type="checkbox"/> Court has suspended the driving privileges Beginning Date _____ Ending Date _____		
• <b>DUI / MANDATORY INSURANCE PRIORS</b> (if available)		
Complaint Number	Violation Code	Violation Date
		Court ID Number
Complaint Number	Violation Code	Violation Date
		Court ID Number
I certify that the information above is true and correct.		Customer Signature _____ Date _____
		Presiding Judge/Court Clerk Signature _____ Date _____
• <b>MVD USE</b> MVD Agent Initials _____ Driver License Number _____ Date Issued _____		

Mark appropriate charge below

Number of Months Suspended  
M/I SUSPENSION WAIVED

Don't forget to sign and date

# Suspend DL only



**Motor Vehicle Division**

Mail Drop 537M  
Motor Vehicle Division  
1801 W Jefferson St  
PO Box 2100  
Phoenix AZ 85001-2100

## COURT ABSTRACT

Amended

Originating Date (MVD Use)

Customer Name (first, middle, last, suffix) John T. Doe						Date of Birth 5/5/1980	
Street Address 4500 Happy Road				City Phoenix		State AZ	Zip 85000
Driver License/ID Number D01234567		Class D	State AZ	Complaint Number 5678910 A	Court ID Number A0001	Citing Agency DPS	Violation Date 10/12/2009
Accident <input type="checkbox"/> Yes <input type="checkbox"/> No	Violation Code 28-4135A		Approx. Speed	Lawful Speed	Vehicle Plate Number ABC1234	State AZ	Make FORD
Court Docket Number TR200912345		Disposition Code 11	Disposition Date 10/15/2009		Fine/Sanction \$109		
Serious Physical Injury <input type="checkbox"/> Yes <input type="checkbox"/> No	Fatality <input type="checkbox"/> Yes <input type="checkbox"/> No	Drugs (13-3401) 28-1381A1 <input type="checkbox"/> Yes <input type="checkbox"/> No		Alcohol Class/Treatment <input type="checkbox"/> Yes <input type="checkbox"/> No	Commercial Vehicle <input type="checkbox"/> Yes <input type="checkbox"/> No	Hazardous Material <input type="checkbox"/> Yes <input type="checkbox"/> No	

• **IGNITION INTERLOCK ORDERED** (No box need be checked in this section.)

- The Court has ordered an additional \_\_\_\_ months. Extreme DUI Sentencing Authority Sep 19, 2007 and After
- \_\_\_\_ months, if indicated above, is lock time period.  28-1382D with BAC of 0.20 or higher
- 28-1382F with BAC of 0.20 or higher

Mark appropriate charge below

• **MANDATORY INSURANCE SUSPENSION** pursuant to:

Jan. 1, 1998 and After

- 28-4135A  28-4135B  28-4135C
- Number of Months Suspended

- Court directs MVD to suspend the:
- Driving Privileges
- Vehicle Registration
- Driving Privileges and Vehicle Registration

• **JUVENILE/UNDER AGE SUSPENSION** pursuant to:

- 8-323 Court has suspended the driving privileges  28-3320A7 Court has suspended the driving privileges
- 8-323 Court has restricted the driving privileges  28-3320D Court has suspended the driving privileges
- 28-3320B Court has restricted the driving privileges
- 28-3322B Court has restricted the driving privileges (4-244.33 for 18-20 yrs.)

Beginning Suspension Date	Ending Suspension Date	Beginning Restriction Date	Ending Restriction Date
<input type="checkbox"/> Terms of Probation		Restricted To	

• **OTHER ACTIONS**

Pursuant To	<input type="checkbox"/> Court has revoked the driving privileges	Beginning Date	Ending Date
	<input type="checkbox"/> Court has suspended the driving privileges		

• **DUI / MANDATORY INSURANCE PRIORS** (if available)

Complaint Number	Violation Code	Violation Date	Court ID Number
Complaint Number	Violation Code	Violation Date	Court ID Number

I certify that the information above is true and correct.

Customer Signature	Date
Presiding Judge/Court Clerk Signature	Date

Don't forget to sign and date

• **MVD USE**

MVD Agent Initials	Driver License Number	Date Issued
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# Suspend Registration only



**Motor Vehicle Division**

Mail Drop 537M  
Motor Vehicle Division  
1801 W Jefferson St  
PO Box 2100  
Phoenix AZ 85001-2100

## COURT ABSTRACT

26-0117 R08/07 www.azdot.gov

Amended

Originating Date (MVD Use)

Customer Name (first, middle, last, suffix) John T. Doe				Date of Birth 5/5/1980			
Street Address 4500 Happy Road				City Phoenix		State AZ	Zip 85000
Driver License/ID Number D01234567		Class D	State AZ	Complaint Number 5678910 A	Court ID Number A0001	Citing Agency DPS	Violation Date 10/12/2009
Accident <input type="checkbox"/> Yes <input type="checkbox"/> No	Violation Code 28-4135A		Approx. Speed	Lawful Speed	Vehicle Plate Number ABC1234	State AZ	Make FORD
Court Docket Number TR200912345			Disposition Code 11	Disposition Date 10/15/2009	Fine/Sanction \$109		
Serious Physical Injury <input type="checkbox"/> Yes <input type="checkbox"/> No	Fatality <input type="checkbox"/> Yes <input type="checkbox"/> No	Drugs (13-3401) <input type="checkbox"/> Yes <input type="checkbox"/> No	28-1381A1 <input type="checkbox"/> Yes <input type="checkbox"/> No	Alcohol Class/Treatment <input type="checkbox"/> Yes <input type="checkbox"/> No	Commercial Vehicle <input type="checkbox"/> Yes <input type="checkbox"/> No	Hazardous Material <input type="checkbox"/> Yes <input type="checkbox"/> No	

• **IGNITION INTERLOCK ORDERED** (No box need be checked in this section.)

- The Court has ordered an additional \_\_\_\_\_ months. Extreme DUI Sentencing Authority Sep 19, 2007 and After
- \_\_\_\_\_ months, if indicated above, is interlock time period.
  - 28-1382D with BAC of 0.20 or higher
  - 28-1382F with BAC of 0.20 or higher

Mark appropriate charge below

• **MANDATORY INSURANCE SUSPENSION** pursuant to:

Jan 1, 1998 and After:

- 28-4135A
- 28-4135B
- 28-4135C

- Court directs MVD to suspend the:
  - Driving Privileges
  - Vehicle Registration
  - Driving Privileges and Vehicle Registration

• **JUVENILE/UNDER AGE SUSPENSION** pursuant to:

- 8-323 Court has suspended the driving privileges
- 8-323 Court has restricted the driving privileges
- 28-3320A7 Court has suspended the driving privileges
- 28-3320D Court has suspended the driving privileges
- 28-3320B Court has restricted the driving privileges
- 28-3322B Court has restricted the driving privileges (4-244.33 for 18-20 yrs.)

Beginning Suspension Date	Ending Suspension Date	Beginning Restriction Date	Ending Restriction Date
<input type="checkbox"/> Terms of Probation		Restricted To	

• **OTHER ACTIONS**

Pursuant To	<input type="checkbox"/> Court has revoked the driving privileges <input type="checkbox"/> Court has suspended the driving privileges	Beginning Date	Ending Date
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• **DUI / MANDATORY INSURANCE PRIORS** (if available)

Complaint Number	Violation Code	Violation Date	Court ID Number
Complaint Number	Violation Code	Violation Date	Court ID Number

I certify that the information above is true and correct.

Customer Signature	Date
Presiding Judge/Court Clerk Signature	Date

Don't forget to sign and date

• MVD USE	MVD Agent Initials	Driver License Number	Date Issued
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# Suspending both DL and Registration

 <b>Motor Vehicle Division</b> <small>26-0117 R08/07 www.azdot.gov</small>	Mail Drop 537M Motor Vehicle Division 1801 W Jefferson St PO Box 2100 Phoenix AZ 85001-2100		<b>COURT ABSTRACT</b>		
	<input type="checkbox"/> Amended			Originating Date (MVD Use)	
Customer Name (first, middle, last, suffix) John T. Doe				Date of Birth 5/5/1980	
Street Address 4500 Happy Road			City Phoenix		State Zip AZ 85000
Driver License/ID Number D01234567		Class D	State AZ	Complaint Number 5678910 A	Court ID Number A0001
Citing Agency DPS		Violation Date 10/12/2009			
Accident <input type="checkbox"/> Yes <input type="checkbox"/> No	Violation Code 28-4135A	Approx. Speed	Lawful Speed	Vehicle Plate Number ABC1234	State Make AZ FORD
Court Docket Number TR200912345		Disposition Code 11	Disposition Date 10/15/2009	Fine/Sanction \$109	
Serious Physical Injury <input type="checkbox"/> Yes <input type="checkbox"/> No	Fatality <input type="checkbox"/> Yes <input type="checkbox"/> No	Drugs (13-3401) <input type="checkbox"/> Yes <input type="checkbox"/> No	28-1381A1 <input type="checkbox"/> Yes <input type="checkbox"/> No	Alcohol Class/Treatment <input type="checkbox"/> Yes <input type="checkbox"/> No	Commercial Vehicle <input type="checkbox"/> Yes <input type="checkbox"/> No
					Hazardous Material <input type="checkbox"/> Yes <input type="checkbox"/> No
• <b>IGNITION INTERLOCK ORDERED</b> (No box need be checked in this section.)					
<input type="checkbox"/> The Court has ordered an additional _____ months.					
Extreme DUI Sentencing Authority Sep 19, 2007 and After					
<input type="checkbox"/> _____ months, if indicated above, is interlock time period.					
<input type="checkbox"/> 28-1382D with BAC of 0.20 or higher					
<input type="checkbox"/> 28-1382F with BAC of 0.20 or higher					
• <b>MANDATORY INSURANCE SUSPENSION</b> pursuant to:					
Jan 1, 1998 and After					
<input checked="" type="checkbox"/> 28-4135A	Number of Months Suspended				
<input type="checkbox"/> 28-4135B					
<input type="checkbox"/> 28-4135C					
<input checked="" type="checkbox"/> Court directs MVD to suspend the:	<input type="checkbox"/> Driving Privileges				
	<input type="checkbox"/> Vehicle Registration				
	<input checked="" type="checkbox"/> Driving Privileges and Vehicle Registration				
• <b>JUVENILE/UNDER AGE SUSPENSION</b> pursuant to:					
<input type="checkbox"/> 8-323 Court has suspended the driving privileges	<input type="checkbox"/> 28-3320A7 Court has suspended the driving privileges				
<input type="checkbox"/> 8-323 Court has restricted the driving privileges	<input type="checkbox"/> 28-3320D Court has suspended the driving privileges				
	<input type="checkbox"/> 28-3320B Court has restricted the driving privileges				
	<input type="checkbox"/> 28-3322B Court has restricted the driving privileges (4-244.33 for 18-20 yrs.)				
Beginning Suspension Date		Ending Suspension Date		Beginning Restriction Date	
				Ending Restriction Date	
<input type="checkbox"/> Terms of Probation				Restricted To	
• <b>OTHER ACTIONS</b>					
Pursuant To	<input type="checkbox"/> Court has revoked the driving privileges	Beginning Date	Ending Date		
	<input type="checkbox"/> Court has suspended the driving privileges				
• <b>DUI / MANDATORY INSURANCE PRIORS</b> (if available)					
Complaint Number	Violation Code	Violation Date	Court ID Number		
Complaint Number	Violation Code	Violation Date	Court ID Number		
I certify that the information above is true and correct.	Customer Signature			Date	
	Presiding Judge/Court Clerk Signature			Date	
• <b>MVD USE</b>					
MVD Agent Initials	Driver License Number	Date Issued			

Mark appropriate charge below

28-4135A

Court directs MVD to suspend the:  
 Driving Privileges and Vehicle Registration

Don't forget to sign and date