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NOV 30 1989
NOEL K. DESSAINT
CLERK SUPREME COURT
BY *[Signature]*

SUPREME COURT OF ARIZONA

DEFENSIVE DRIVING PROGRAM ADMINISTRATIVE REQUIREMENTS

ADMINISTRATIVE ORDER NO. 89- 25

A. Preamble

The following requirements are adopted to administer the Defensive Driving Program pursuant to ARS 28-492 and §28-493.

B. Administration

1. Administration of the Defensive Driving Program and Defensive Driving Program Fund shall be under the direction of the Administrative Director of the Courts. The Director is authorized to establish policies, procedures, forms and reports necessary to administer the program.
2. The Director may prepare fiscal projections and create a budget based upon those projections for the purpose of administering the Defensive Driving Program.
3. The Director is authorized to allocate and expend funds pursuant to ARS §28-493 for administrative costs associated with the Defensive Driving Program and expend funds to further expedite the processing of all offenses prescribed in Title 28, Chapter 6, Articles 2 through 15. The Director may contract for professional services to establish the defensive driving tracking database, pursuant to ARS §28-492(F)(2) and other necessary services.
4. The Director is authorized to appoint advisory groups and/or committees to facilitate implementation and administration of the Defensive Driving Program.
5. The Director is authorized to propose rules which establish criteria for certification of qualified defensive driving schools and instructors used by the courts pursuant to ARS §28-492(F)(4).
6. The Director is authorized to develop and submit to the Governor, President of the Senate and Speaker of the House, no later than January 15, 1990, a plan recommending which public agency shall be responsible for certifying qualified defensive driving schools and instructors and monitoring their continued compliance with established criteria. The Director is authorized to contract with a public or private agency to assist the Supreme Court in developing this plan.

C. Court Requirements

1. A court may refer any eligible person to a defensive driving school or a court may choose to contract with one or more primary providers for defensive driving school services. If a court selects one or more primary providers, the court shall have a written contract with such providers. The Director may require specific provisions to be included in each contract.
2. No court officer or employee, voluntary or paid may own, operate, be employed by, or receive compensation from a defensive driving school.

D. Defensive Driving Program Fund Requirements

1. Defensive Driving Program Fee. The Director is authorized to set a Defensive Driving Program Fee (DDPF) up to fifteen dollars pursuant to ARS §28-493¹. The Director may review and adjust the Defensive Driving Program Fee amount as necessary.

For the state fiscal year ending June 30, 1990 a ten dollar Defensive Driving Program Fee shall be charged to each person who attends a defensive driving school pursuant to a court diversion program or as a part of a sentence imposed by a court.

2. Non-Refundability. The Defensive Driving Program Fee shall be collected and remitted by the defensive driving school and shall generally be non-refundable once paid. If the school determines that an individual has demonstrated good cause, the school may refund the defensive driving program fee, only if the school also refunds the school fee and the court diversion fee. Once a person begins a class, the defensive driving program fee shall be non-refundable. Other registration charges may be refundable in accordance with each school's guidelines.
3. Collection of defensive driving fee. The fee collected by a defensive driving school between the first and fifteenth day of the month shall be remitted to the Administrative Office of the Courts for deposit with the State Treasurer in the Defensive Driving Program Fund by the 22nd day of that same month. The fee collected by a defensive driving school between the sixteenth and last day of the month shall be remitted to the Administrative Office of the Courts by the seventh day of the following month.

¹A five dollar Judicial Collection Enhancement Surcharge is collected in addition to the Defensive Driving Program Fee pursuant to ARS §12-114.

4. Collection of court diversion fee. Each defensive driving school shall collect the court's diversion fee pursuant to ARS §28-493. The school shall remit the diversion fee for each individual to the appropriate court according to the time schedule set forth in section D.3 of this order or in a more frequent manner, as prescribed by each court.
5. Modification. These administrative requirements are subject to modification as deemed necessary and any time limit contained herein may be waived at the request of the Administrative Director if agreed to by the Chief Justice.

E. Effective Date

The provisions of this order shall be effective from and after June 28, 1989.

DATED AND ENTERED this 20 day of November, 1989.
at the State Capitol, Phoenix, Arizona.

ARIZONA SUPREME COURT

FRANK X. GORDON, JR.
Chief Justice