

OFFICE MEMORANDUM T6942

FROM: MVD POLICY UNIT

THRU: ERIC R. JORGENSEN
Division Director

TO: ARIZONA COURTS

DATE: NOVEMBER 02, 2018

RE: HOUSE BILL 2169 – RESTRICTED DRIVING PRIVILEGE

Pursuant to Laws 2018, Chapter 113, HB2169, effective January 1, 2019, the court will have the authority to suspend or restrict a defendant's license for failure to pay on both civil and criminal traffic violations.

Currently, the court is authorized to suspend a defendant's driving privilege for failing to pay on a civil traffic violation only, by reporting a disposition code **55-FTP CIVIL SANCTION/LIC SUSPND**.

Effective January 1, 2019, the court will have 2 new disposition codes to report failure to pay suspensions or restrictions to MVD:

1. 50 = FTP SANCTION/LIC RESTRICTED

- Use if the court wants to **restrict** the driving privilege for failure to pay:
 - Civil traffic
 - Criminal traffic

Note: Per Federal Motor Carrier Safety Administration (FMCSA) CFR 384.210, commercial driver license/permit (CDL/CLP) holders are not eligible for a restricted license.

2. 51 = FTP CRM TRF SANCTION/LIC SUSP

- Use if the court wants to **suspend** the driving privilege for failure to pay:
 - Criminal traffic only.

Disposition codes **50**, **51**, and **55** should only be used to suspend or restrict the defendant's driving privilege for the failure to pay a court sanction. These dispositions are not final disposition codes and will require the submission of a final disposition code to end the suspension or restriction.

HOUSE BILL 2169 – RESTRICTED DRIVING PRIVILEGE

The court is required to report via paper court abstract when overlaying a restrict disposition code with a suspend disposition code.

The MVD and Courts Training Manual will be updated to include this year's legislative impacts and will be available on the Administrative Office of the Courts (AOC) website <http://www.azcourts.gov/courtservices/Automation-Services-Unit> by January 1, 2019.

The Disposition Overlay Table and Scenarios are attached and will provide guidance to the courts on proper reporting.

If you have any questions, please contact Dorrie Wiltberger, MVD Record Administrator and Court Liaison, at 602-712-7014 or DWiltberger@azdot.gov.

Laws 2018, Chapter 113, HB2169, Scenarios Relating to Restricted Driving Privileges

Scenario 1: How to RESTRICT the driving privilege for failure to pay – use disposition code 50 (civil and criminal traffic):

Court will report a plea of guilty/responsible disposition code (11, 12, 21 or 22) followed by a FTP Restriction disposition code (50) and a final disposition code (10, 11, 12, 20, 21 or 22) to end restriction once full payment is received.

Disposition code overlay 11-50-11**Scenario 2: How to SUSPEND the driving privilege for failure to pay on a criminal traffic violation – use disposition code 51**

Court will report a plea of guilty/responsible disposition code (11, 12, 21 or 22) followed by a FTP Suspension disposition code (51) and then a final disposition code (10, 11, 12, 20, 21 or 22) to lift the suspension once full payment is received.

Disposition code overlay 11-51-11**Scenario 3: How to SUSPEND the driving privilege on a civil traffic violation – use disposition code 55 **no change to current process****

Court will report a plea of guilty/responsible disposition code (11, 12, 21 or 22) followed by a FTP Suspension disposition code (55) and then a final disposition code (10, 11, 12, 20, 21 or 22) to lift the suspension once full payment is received.

Disposition code overlay 11-55-11**Scenario 4: How to lift a suspension to then impose a restriction on the driving privilege: (reducing the ramification)**

Court will report a plea of guilty/responsible disposition code (11, 12, 21 or 22) followed by a FTP Suspension disposition code (51 or 55) then will electronically send over the restriction disposition code (50) and then a final disposition code (10, 11, 12, 20, 21 or 22) to end restriction once full payment is received.

Disposition code overlay 11-51-50-11 or 11-55-50-11**Scenario 5: How to lift a restriction to then impose a suspension on the driving privilege: (enhancing the ramification)**

Court will report a plea of guilty/responsible disposition code (11, 12, 21 or 22) followed by a FTP Restriction disposition code (50). Then, a court may report via paper court abstract, to suspend a restricted driver license for FTP disposition code (51 or 55). Last, the court will need to report a final disposition code (10, 11, 12, 20, 21 or 22) to lift the suspension once full payment is received.

Disposition code overlay 11-50-51-11 or 11-50-55-11

Motor Vehicle Division
Acceptable Disposition Overlay Table
 As of January 1, 2019

Existing (Current) Disposition Code

Code	First Disp Reported	Final Codes						Dismissal Codes				Suspension Codes						Other Codes							
		10	11	12	20	21	22	30	43	44	45	50	51	52	54	55	56	57	58	59	60	67	70	71	76
10	Yes	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	Yes	No	No	Yes
11	Yes	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	Yes	No	No	Yes
12	Yes	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	Yes	No	No	Yes
20	Yes	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	No	Yes
21	Yes	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	No	Yes
22	Yes	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	No	Yes
30	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes	No	Yes
43	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	Yes	Yes	No	Yes	No	No	Yes
44	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	Yes	Yes	No	Yes	No	No	Yes
45	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	Yes	Yes	No	Yes	No	No	Yes
50	No	No	Yes	Yes	No	Yes	Yes	No	No	No	No	No	Yes	No	Yes	No	No	No	No	No	No	No	No	No	No
51	No	No	Yes	Yes	No	Yes	Yes	No	No	No	No	MVD	No	MVD	No	No	No	No	No	No	No	No	No	No	No
52	No	No	No	No	No	No	No	No	No	No	No	MVD	No	No	No	No	No	No	No	No	No	No	No	No	No
54	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	Yes	No	No
55	No	No	Yes	Yes	No	Yes	Yes	No	No	No	No	MVD	No	MVD	No	No	No	No	No	No	No	No	No	No	No
56	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	Yes	No	No	Yes
57	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	Yes	No	No	Yes
58	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	Yes	No	No	Yes
59	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No
60	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	Yes	No	No	No	No	No	Yes
67	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	Yes	Yes	No	Yes	No	No	Yes
70	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No	No	Yes	Yes	No	No	No	No	Yes
71	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes
76	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	No	No	No	No
00	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No

Note: Disposition Code 52 for MVD Internal Use Only