



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

## **HB 2522: defensive driving schools; fees**

**Sponsor: Representative Peña, LD 23**

**Committee on Transportation & Infrastructure**

### **Overview**

Requires the court of record, rather than the defensive driving school, to collect the Defensive Driving School Fund fee, court diversion fee and surcharge.

### **History**

The presiding judges of each court must:

- 1) set the amount of the court diversion fee that an individual, including a commercial driver's license holder, who attends a defensive driving school may be assessed; and
- 2) charge an individual a \$45 surcharge if they attend a defensive driving school.

Payment of a court diversion fee and surcharge is in lieu of a civil penalty or criminal fine and any surcharge imposed for a traffic violation.

The driving school is required to collect the court diversion fee and surcharge before or at the time an individual attends the school. After receiving the diversion fee, the defensive driving school must transmit the fee to the appropriate court. After receiving the surcharge, the school must transmit the surcharge to the State Treasurer. The first \$10,400,000 of annual surcharge revenue is required to go to the Department of Public Safety Forensics Fund. The remaining monies go to the state General Fund ([A.R.S. § 28-3396](#)).

In addition to the court diversion fee and the fee for the cost of attending a defensive driving school, a person attending a defensive driving school as prescribed by statute or by a court order must pay a Defensive Driving School Fund (Fund) fee of not more than \$15 that is established by the Supreme Court.

The defensive driving school must collect the Fund fee and the fee, if any, charged by the school for the course. The defensive driving school must transmit the Fund fee to the Supreme Court which will deposit the fee into the Fund ([A.R.S. § 28-3397](#)).

### **Provisions**

1. Makes it so the court of record, rather than the defensive driving school, collects the court diversion fee, surcharge and Fund fee. (Sec. 1-2)
2. Requires the court of record, instead of the defensive driving school, to transmit the surcharge to the State Treasurer. (Sec. 1)
3. Requires the court of record, rather than the defensive driving school, to transmit the Fund fee to the Supreme Court. (Sec. 2)

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

4. Removes language that required the defensive driving school to transmit the diversion fee to the appropriate court. (Sec. 1)
5. Makes technical changes. (Sec. 1-2)