

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4837

BY DELEGATES CANESTRARO, HAMRICK, KELLY, D.,

LOVEJOY, MILLER, SHOTT AND PYLES

[Introduced February 11, 2020; Referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §8-10-2b of the Code of West Virginia, 1931 as amended; to amend
 2 and reenact §17B-3-3a of said code; to amend and reenact §17B-3-3c of said code; to
 3 amend and reenact §50-3-2a of said code; and to amend and reenact §62-4-17 of said
 4 code, all relating to eliminating the ability of a person’s driver’s license to be suspended
 5 for the failure to pay court fines and costs; authorizing circuit clerk to record a judgment
 6 lien for unpaid fines and costs.

Be it enacted by the Legislature of West Virginia:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 10. POWERS AND DUTIES OF CERTAIN OFFICERS.

**§8-10-2b. Suspension of licenses for ~~failure to pay fines and costs or failure to appear in~~
court; failure to pay fines will result in a judgment lien.**

1 (a) If costs, fines, forfeitures or penalties imposed by the municipal court upon conviction
 2 of a person for a criminal offense as defined in §17B-3-3c of this code are not paid in full within
 3 180 days of the judgment, the municipal court clerk or, upon a judgment rendered on appeal, the
 4 circuit clerk shall record a lien in the office of the county clerk where the judgment was rendered.
 5 ~~notify the Division of Motor Vehicles of the failure to pay: Provided, That notwithstanding any other~~
 6 ~~provision of this code to the contrary, for residents of this state, the municipal court shall wait at~~
 7 ~~least ninety days from the date that all costs, fines, forfeitures or penalties are due in full before~~
 8 ~~notifying the Division of Motor Vehicles thereof: Provided, however, That at the time the judgment~~
 9 ~~is imposed, the judge shall provide the person with written notice that failure to pay the same as~~
 10 ~~ordered may result in the withholding of any income tax refund due the licensee and shall result~~
 11 ~~in the suspension of the person's license or privilege to operate a motor vehicle in this state and~~
 12 ~~that the suspension could result in the cancellation of, the failure to renew or the failure to issue~~
 13 ~~an automobile insurance policy providing coverage for the person or the person's family: Provided~~
 14 ~~further, That the failure of the judge to provide notice does not affect the validity of any suspension~~

15 ~~of the person's license or privilege to operate a motor vehicle in this state. For purposes of this~~
16 ~~section, payment shall be stayed during any period an appeal from the conviction which resulted~~
17 ~~in the imposition of costs, fines, forfeitures or penalties is pending.~~

18 ~~Upon notice, the Division of Motor Vehicles shall suspend the person's driver's license or~~
19 ~~privilege to operate a motor vehicle in this state until such time that the costs, fines, forfeitures or~~
20 ~~penalties are paid.~~

21 ~~(b) Notwithstanding the provisions of this section to the contrary, the notice of the failure~~
22 ~~to pay costs, fines, forfeitures or penalties may not be given where the municipal court, upon~~
23 ~~application of the person upon whom the costs, fines, forfeitures or penalties were imposed filed~~
24 ~~prior to the expiration of the period within which these are required to be paid, enters an order~~
25 ~~finding that the person is financially unable to pay all or a portion of the costs, fines, forfeitures or~~
26 ~~penalties: Provided, That where the municipal court, upon finding that the person is financially~~
27 ~~unable to pay a portion of the costs, fines, forfeitures or penalties, requires the person to pay the~~
28 ~~remaining portion, the municipal court shall notify the Division of Motor Vehicles of the person's~~
29 ~~failure to pay if not paid within the period of time ordered by the court~~

30 ~~(c)~~ (b) ~~If a person charged with a criminal offense fails to appear or otherwise respond in~~
31 ~~court, the municipal court clerk shall notify the Division of Motor Vehicles of the failure to appear:~~
32 ~~Provided, That notwithstanding any other provision of this code to the contrary, for residents of~~
33 ~~this state, the municipal court clerk shall wait at least 90 days from the date of the person's failure~~
34 ~~to appear or otherwise respond before notifying the Division of Motor Vehicles thereof. Upon~~
35 ~~notice, the Division of Motor Vehicles shall suspend the person's driver's license or privilege to~~
36 ~~operate a motor vehicle in this state until such time that the person appears as required.~~

37 ~~(d) On and after July 1, 2008, if the licensee fails to respond to the Division of Motor~~
38 ~~Vehicles order of suspension within ninety days of receipt of the certified letter, the municipal court~~
39 ~~of original jurisdiction shall notify the Tax Commissioner that the licensee has failed to pay the~~
40 ~~costs, fines, forfeitures or penalties assessed by the court or has failed to respond to the citation.~~
41 ~~The notice provided by the municipal court to the Tax Commissioner must include the licensee's~~

~~42 Social Security number. The Tax Commissioner, or his or her designee, shall withhold from any
43 personal income tax refund due and owing to a licensee the costs, fines, forfeitures or penalties
44 due to the municipality, the Tax Commissioner's administration fee for the withholding and any
45 and all fees that the municipal court would have collected had the licensee appeared: Provided,
46 That the Tax Commissioner's administration fee may not exceed \$25: Provided, however, That
47 the Tax Commissioner may change this maximum amount limitation for this fee for fiscal years
48 beginning on or after July 1, 2008, by legislative rule promulgated in accordance with the
49 provisions of article three, chapter twenty-nine-a of this code: Provided further, That the
50 administrative fees deducted shall be deposited in the special revolving fund hereby created in
51 the State Treasury, which shall be designated as the Municipal Fines and Fees Collection Fund,
52 and the Tax Commissioner shall make such expenditures from the fund as he or she deems
53 appropriate for the administration of this subsection. After deduction of the Tax Commissioner's
54 administration fee, the Tax Commissioner shall remit to the municipality all remaining amounts
55 withheld pursuant to this section and the municipal court shall distribute applicable costs, fines,
56 forfeitures or penalties owed to the municipality, the Regional Jail Authority Fund, the Crime
57 Victims Compensation Fund, the Community Corrections Fund, the Governor's subcommittee on
58 law-enforcement training or any other fund or payee that may be applicable. After the costs, fines,
59 forfeitures or penalties are withheld, the Tax Commissioner shall refund any remaining balance
60 due the licensee. If the refund is not sufficient to cover all the costs, fines, forfeitures or penalties
61 being withheld pursuant to this section, the Tax Commissioner's administration fee shall be
62 retained by the Tax Commissioner and the remaining money withheld shall be remitted by the
63 Tax Commissioner to the municipality. The municipality shall then allocate the money so remitted
64 to the municipality in the following manner: (1) Any costs, fines, forfeitures or penalties due to the
65 municipality; (2) seventy five percent of the remaining balance shall be paid to the appropriate
66 Regional Jail Authority Fund; (3) fifteen percent of the remaining balance shall be paid to the
67 Crime Victims Compensation Fund; (4) six percent of the remaining balance shall be paid into the
68 Community Corrections Fund; and (5) the final four percent shall be paid to the Governor's~~

69 ~~subcommittee on law enforcement training. When the costs, fines, forfeitures or penalties exceed~~
70 ~~the licensee's income tax refund, the Tax Commissioner shall withhold the remaining balance in~~
71 ~~subsequent years until such time as the costs, fines, forfeitures or penalties owed are paid in full.~~
72 ~~The Tax Commissioner shall remit the moneys that he or she collects to the appropriate~~
73 ~~municipality no later than July 1, of each year. If the municipal court or the municipality~~
74 ~~subsequently determines that any such costs, fines, forfeitures or penalties were erroneously~~
75 ~~imposed, the municipality shall promptly notify the Tax Commissioner. If the refunds have not~~
76 ~~been withheld and remitted, the Tax Commissioner may not withhold and remit payment to the~~
77 ~~municipality and shall so inform the municipality. If the refunds have already been withheld and~~
78 ~~remitted to the municipality, the Tax Commissioner shall so inform the municipality. In either~~
79 ~~event, all refunds for erroneously imposed costs, fines, forfeitures or penalties shall be made by~~
80 ~~the municipality and not by the Tax Commissioner.~~

81 ~~(e) Rules and effective date. — The Tax Commissioner may promulgate such rules as~~
82 ~~may be useful or necessary to carry out the purpose of this section and to implement the intent of~~
83 ~~the Legislature, to be effective on July 1, 2008. Rules shall be promulgated in accordance with~~
84 ~~the provisions of article three, chapter twenty-nine-a of this code.~~

85 ~~(f) On or before July 1, 2005, the municipal court may elect to reissue notice as provided~~
86 ~~in subsections (a) and (c) of this section to the Division of Motor Vehicles for persons who remain~~
87 ~~noncompliant: Provided, That the person was convicted or failed to appear on or after January 1,~~
88 ~~1993. If the original notification cannot be located, the Division of Motor Vehicles shall accept an~~
89 ~~additional or duplicate notice from the municipal court clerk~~

CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.

ARTICLE 3. CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES.

§17B-3-3a. Suspending license for failure to pay fines or penalties imposed by magistrate court or municipal court.

1 (a) The division shall suspend the license of any resident of this state or the privilege of a

2 nonresident to drive a motor vehicle in this state upon receiving notice from a magistrate court or
 3 municipal court of this state, ~~pursuant to subsection (b), section two-a, article three, chapter fifty~~
 4 ~~of this code or subsection (b), section two-a, article ten, chapter eight of this code, that such~~
 5 ~~person has defaulted on the payment of costs, fines, forfeitures or penalties which were imposed~~
 6 ~~on the person by the magistrate court or municipal court by judgment entered upon conviction of~~
 7 ~~any motor vehicle violation or that such person has failed to respond or appear in court when~~
 8 charged with a motor vehicle violation.

9 ~~(b) The magistrate court or municipal court shall notify the division upon a default of~~
 10 ~~payment as follows:~~

11 ~~(1) For a resident of this state, after 180 days following the date of judgment upon the~~
 12 ~~conviction; or~~

13 ~~(2) For a nonresident of this state, after eighty days following the date of judgment upon~~
 14 ~~the conviction~~

15 ~~(e)(b)~~ For the purposes of this section, §50-3-2a of this code and §8-10-2a of this code,
 16 “motor vehicle violation” shall be defined as any violation designated in chapters 17A, 17B, 17C,
 17 17D, or 17E of this code or the violation of any municipal ordinance relating to the operation of a
 18 motor vehicle for which the violation thereof would result in a fine or penalty: *Provided*, That any
 19 parking violation or other violation for which a citation may be issued to an unattended vehicle
 20 shall not be considered a motor vehicle violation for the purposes of this section, §50-3-2a of this
 21 code, or §8-10-2a of this code.

**§17B-3-3c. Suspending license for failure to pay fines or penalties imposed as the result
 of criminal conviction or for failure to appear in court.**

1 (a) The division shall suspend the license of any resident of this state or the privilege of a
 2 nonresident to drive a motor vehicle in this state upon receiving notice from a circuit court,
 3 magistrate court, or municipal court of this state, pursuant to ~~§50-3-2b~~ §8-10-2b or §62-4-17 of
 4 this code, that the person has ~~defaulted on the payment of costs, fines, forfeitures, penalties, or~~

5 ~~restitution imposed on the person by the circuit court, magistrate court, or municipal court upon~~
6 ~~conviction for any criminal offense by the date the court had required the person to pay the same,~~
7 ~~or that the person has failed to appear in court when charged with an offense.~~ For the purposes
8 of this section, ~~§50-3-2b~~ §8-10-2b or §62-4-17 of this code, "criminal offense" shall be defined as
9 any violation of the provisions of this code, or the violation of any municipal ordinance, for which
10 the violation of the offense may result in a fine, confinement in jail, or imprisonment in a
11 correctional facility of this state: *Provided*, That any parking violation or other violation for which
12 a citation may be issued to an unattended vehicle shall not be considered a criminal offense for
13 the purposes of this section, §8-10-2b ~~§50-3-2b~~ or §62-4-17 of this code.

14 (b) A copy of the order of suspension shall be forwarded to the person by certified mail,
15 return receipt requested. No order of suspension becomes effective until 10 days after receipt of
16 a copy of the order. The order of suspension shall advise the person that because of the receipt
17 of notice of the failure to pay costs, fines, forfeitures, or penalties, or the failure to appear, a
18 presumption exists that the person named in the order of suspension is the same person named
19 in the notice. The commissioner may grant an administrative hearing which substantially complies
20 with the requirements of the provisions §17C-5A-2 of this code upon a preliminary showing that
21 a possibility exists that the person named in the notice of conviction is not the same person whose
22 license is being suspended. The request for hearing shall be made within 10 days after receipt of
23 a copy of the order of suspension. The sole purpose of this hearing shall be for the person
24 requesting the hearing to present evidence that he or she is not the person named in the notice.
25 In the event the commissioner grants an administrative hearing, the commissioner shall stay the
26 license suspension pending the commissioner's order resulting from the hearing.

27 (c) A suspension under this section and §17B-3-3a of this code will continue until the
28 person provides proof of compliance from the municipal, magistrate, or circuit court and pays the
29 reinstatement fee as provided in §17B-3-9 of this code. The reinstatement fee is assessed upon
30 issuance of the order of suspension regardless of the effective date of suspension.

31 (d) Upon notice from an appropriate state official that the person is successfully
32 participating in an approved treatment and job program as prescribed in §61-11-26a of this code
33 and that the person is believed to be safe to drive, the Division of Motor Vehicles shall stay or
34 supersede the imposition of any suspension under this section or §17B-3-3a of this code. The
35 Division of Motor Vehicles shall waive the reinstatement fee established by the provisions §17B-
36 3-9 upon receipt of proper documentation of the person's successful completion of a program
37 under §61-11-26a of this code and proof of compliance from the municipal, magistrate, or circuit
38 court. The stay or supersedeas shall be removed by the Division of Motor Vehicles upon receipt
39 of notice from an appropriate state official of a participant's failure to complete or comply with the
40 approved treatment and job program as established under §61-11-26a of this code.

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 3. COSTS, FINES AND RECORDS.

§50-3-2a. Payment by credit card or payment plan; failure to pay fines results in a judgment lien; restitution; liens.

1 (a) A magistrate court may accept credit cards in payment of all costs, fines, fees,
2 forfeitures, restitution or penalties in accordance with rules promulgated by the Supreme Court of
3 Appeals. Any charges made by the credit company shall be paid by the person responsible for
4 paying the cost, fine, forfeiture or penalty.

5 (b) Unless otherwise required by law, a magistrate court may collect a portion of any costs,
6 fines, fees, forfeitures, restitution or penalties at the time the amount is imposed by the court so
7 long as the court requires the balance to be paid in accordance with a payment plan which
8 specifies: (1) The number of payments to be made; (2) the dates on which the payments are due;
9 and (3) the amounts due for each payment. The written agreement represents the minimum
10 payments and the last date those payments may be made. The obligor or the obligor's agent may
11 accelerate the payment schedule at any time by paying any additional portion of any costs, fines,

12 fees, forfeitures, restitution or penalties.

13 (c) (1) If costs, fines, forfeitures or penalties imposed by the magistrate court in a criminal
14 case are not paid within 180 days from the date of the judgment and the expiration of any stay of
15 execution, the magistrate court clerk or, upon judgment rendered on appeal, the circuit clerk shall
16 record a lien in the office of the county clerk where the judgment was rendered.

17 ~~If any costs, fines, fees, forfeitures, restitution or penalties imposed by the in a criminal~~
18 ~~case are not paid within one hundred eighty days from the date of judgment and the expiration of~~
19 ~~any stay of execution, the magistrate court clerk or, upon judgment rendered on appeal, the circuit~~
20 ~~clerk shall notify the Commissioner of the Division of Motor Vehicles of the failure to pay: *Provided,*~~
21 ~~That in a criminal case in which a nonresident of this state is convicted of a motor vehicle violation~~
22 ~~defined in section three a, article three, chapter seventeen b of this code, the appropriate clerk~~
23 ~~shall notify the Division of Motor Vehicles of the failure to pay within eighty days from the date of~~
24 ~~judgment and expiration of any stay of execution. Upon notice, the Division of Motor Vehicles~~
25 ~~shall suspend any privilege the person defaulting on payment may have to operate a motor vehicle~~
26 ~~in this state, including any driver's license issued to the person by the Division of Motor Vehicles,~~
27 ~~until all costs, fines, fees, forfeitures, restitution or penalties are paid in full. The suspension shall~~
28 ~~be imposed in accordance with the provisions of section six, article three, chapter seventeen b of~~
29 ~~this code: *Provided,* That any person who has had his or her license to operate a motor vehicle~~
30 ~~in this state suspended pursuant to this subsection and his or her failure to pay is based upon~~
31 ~~inability to pay, may, if he or she is employed on a full or part-time basis, petition to the circuit~~
32 ~~court for an order authorizing him or her to operate a motor vehicle solely for employment~~
33 ~~purposes. Upon a showing satisfactory to the court of inability to pay, employment and compliance~~
34 ~~with other applicable motor vehicle laws, the court shall issue an order granting relief~~

35 (2) In addition to the provisions of subdivision (1) of this subsection, if any costs, fines,
36 fees, forfeitures, restitution or penalties imposed or ordered by the magistrate court for a hunting
37 violation described in chapter 20 of this code are not paid within 180 days from the date of
38 judgment and the expiration of any stay of execution, the magistrate court clerk or, upon a

39 judgment rendered on appeal, the circuit clerk shall notify the Director of the Division of Natural
40 Resources of the failure to pay. Upon notice, the Director of the Division of Natural Resources
41 shall suspend any privilege the person failing to appear or otherwise respond may have to hunt
42 in this state, including any hunting license issued to the person by the Division of Natural
43 Resources, until all the costs, fines, fees, forfeitures, restitution or penalties are paid in full.

44 (3) In addition to the provisions of subdivision (1) of this subsection, if any costs, fines,
45 fees, forfeitures, restitution or penalties imposed or ordered by the magistrate court for a fishing
46 violation described in chapter 20 of this code are not paid within 180 days from the date of
47 judgment and the expiration of any stay of execution, the magistrate court clerk or, upon a
48 judgment rendered on appeal, the circuit clerk shall notify the Director of the Division of Natural
49 Resources of the failure to pay. Upon notice, the Director of the Division of Natural Resources
50 shall suspend any privilege the person failing to appear or otherwise respond may have to fish in
51 this state, including any fishing license issued to the person by the Division of Natural Resources,
52 until all the costs, fines, fees, forfeitures, restitution or penalties are paid in full.

53 (d) (1) If a person charged with any criminal violation of this code fails to appear or
54 otherwise respond in court, the magistrate court shall notify the Commissioner of the Division of
55 Motor Vehicles thereof within 90 days of the scheduled date to appear unless the person sooner
56 appears or otherwise responds in court to the satisfaction of the magistrate. Upon notice, the
57 Division of Motor Vehicles shall suspend any privilege the person failing to appear or otherwise
58 respond may have to operate a motor vehicle in this state, including any driver's license issued
59 to the person by the Division of Motor Vehicles, until final judgment in the case and, if a judgment
60 of guilty, until all costs, fines, fees, forfeitures, restitution or penalties imposed are paid in full. The
61 suspension shall be imposed in accordance with the provisions of §17B-3-6 of this code.

62 (2) In addition to the provisions of subdivision (1) of this subsection, if a person charged
63 with any hunting violation described in chapter 20 of this code fails to appear or otherwise respond
64 in court, the magistrate court shall notify the Director of the Division of Natural Resources of the
65 failure thereof within 15 days of the scheduled date to appear unless the person sooner appears

66 or otherwise responds in court to the satisfaction of the magistrate. Upon notice, the Director of
67 the Division of Natural Resources shall suspend any privilege the person failing to appear or
68 otherwise respond may have to hunt in this state, including any hunting license issued to the
69 person by the Division of Natural Resources, until final judgment in the case and, if a judgment of
70 guilty, until all costs, fines, fees, forfeitures, restitution or penalties imposed are paid in full.

71 (3) In addition to the provisions of subdivision (1) of this subsection, if a person charged
72 with any fishing violation described in chapter 20 of this code fails to appear or otherwise respond
73 in court, the magistrate court shall notify the Director of the Division of Natural Resources of the
74 failure thereof within 15 days of the scheduled date to appear unless the person sooner appears
75 or otherwise responds in court to the satisfaction of the magistrate. Upon notice, the Director of
76 the Division of Natural Resources shall suspend any privilege the person failing to appear or
77 otherwise respond may have to fish in this state, including any fishing license issued to the person
78 by the Division of Natural Resources, until final judgment in the case and, if a judgment of guilty,
79 until all costs, fines, fees, forfeitures, restitution or penalties imposed are paid in full.

80 (e) In every criminal case which involves a misdemeanor violation, a magistrate may order
81 restitution where appropriate when rendering judgment.

82 (f) (1) If all costs, fines, fees, forfeitures, restitution or penalties imposed by a magistrate
83 court and ordered to be paid are not paid within 180 days from the date of judgment and the
84 expiration of any stay of execution, the clerk of the magistrate court shall notify the prosecuting
85 attorney of the county of nonpayment and provide the prosecuting attorney with an abstract of
86 judgment. The prosecuting attorney shall file the abstract of judgment in the office of the clerk of
87 the county commission in the county where the defendant was convicted and in any county
88 wherein the defendant resides or owns property. The clerks of the county commissions shall
89 record and index the abstracts of judgment without charge or fee to the prosecuting attorney and
90 when so recorded, the amount stated to be owing in the abstract shall constitute a lien against all
91 property of the defendant.

92 (2) When all the costs, fines, fees, forfeitures, restitution or penalties described in

93 subdivision (1) of this subsection for which an abstract of judgment has been recorded are paid
94 in full, the clerk of the magistrate court shall notify the prosecuting attorney of the county of
95 payment and provide the prosecuting attorney with a release of judgment, prepared in accordance
96 with the provisions of §38-12-1 of this code, for filing and recordation pursuant to the provisions
97 of this subdivision. Upon receipt from the clerk, the prosecuting attorney shall file the release of
98 judgment in the office of the clerk of the county commission in each county where an abstract of
99 the judgment was recorded. The clerks of the county commissions shall record and index the
100 release of judgment without charge or fee to the prosecuting attorney.

101 (g) Notwithstanding any provision of this code to the contrary, except as authorized by this
102 section, payments of all costs, fines, fees, forfeitures, restitution or penalties imposed by the
103 magistrate court in civil or criminal matters shall be made in full. Partial payments of costs, fines,
104 fees, forfeitures, restitution or penalties made pursuant to this section shall be credited to amounts
105 due in the following order:

- 106 (1) Regional Jail Fund;
- 107 (2) Worthless Check Payee;
- 108 (3) Restitution;
- 109 (4) Magistrate Court Fund;
- 110 (5) Worthless Check Fund;
- 111 (6) Per Diem Regional Jail Fee;
- 112 (7) Community Corrections Fund;
- 113 (8) Regional Jail Operational Fund;
- 114 (9) Law Enforcement Training Fund;
- 115 (10) Crime Victims Compensation Fund;
- 116 (11) Court Security Fund;
- 117 (12) Courthouse Improvement Fund;
- 118 (13) Litter Control Fund;
- 119 (14) Sheriff arrest fee;

- 120 (15) Teen Court Fund;
 121 (16) Other costs, if any;
 122 (17) Fine.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 4. RECOVERY OF FINES IN CRIMINAL CASES.

§62-4-17. Suspension of licenses for failure to pay fines and costs or failure to appear in court; failure to pay fines will result in a judgment lien.

1 (a) If costs, fines, forfeitures, penalties or restitution imposed by the circuit court upon
 2 conviction of a person for any criminal offense under this code are not paid in full when ordered
 3 to do so by the court, the circuit clerk shall ~~notify the Division of Motor Vehicles of such failure to~~
 4 ~~pay: *Provided,* That at the time the judgment is imposed, the court shall provide the person with~~
 5 ~~written notice that failure to pay the same when ordered to do so shall result in the suspension of~~
 6 ~~such person's license or privilege to operate a motor vehicle in this state and that such suspension~~
 7 ~~could result in the cancellation of, the failure to renew or the failure to issue an automobile~~
 8 ~~insurance policy providing coverage for such person or such person's family: *Provided, however,*~~
 9 ~~That the failure of the court to provide such notice shall not affect the validity of any suspension~~
 10 ~~of such person's license or privilege to operate a motor vehicle in this state. For purposes of this~~
 11 ~~section, such period of time within which the person is required to pay shall be stayed during any~~
 12 ~~period an appeal from the conviction which resulted in the imposition of such costs, fines,~~
 13 ~~forfeitures or penalties is pending record a lien in the office of the county clerk where the judgment~~
 14 ~~was rendered.~~

15 ~~Upon such notice, the Division of Motor Vehicles shall suspend the person's driver's~~
 16 ~~license or privilege to operate a motor vehicle in this state until such time that the costs, fines,~~
 17 ~~forfeitures or penalties are paid.~~

18 ~~(b) Notwithstanding the provisions of this section to the contrary, the notice of the failure~~
 19 ~~to pay such costs, fines, forfeitures or penalties shall not be given where the circuit court, upon~~

20 ~~application of the person upon whom the same were imposed filed prior to the expiration of the~~
21 ~~period within which the same are required to be paid, enters an order finding that such person is~~
22 ~~financially unable to pay all or a portion of the same: *Provided*, That where the circuit court, upon~~
23 ~~finding that the person is financially unable to pay the full amount thereof, requires the person to~~
24 ~~pay the remaining portion thereof, the circuit clerk shall notify the Division of Motor Vehicles of~~
25 ~~such person's failure to pay the same if the same is not paid within the period of time ordered by~~
26 ~~such court~~

27 (e) ~~(b)~~ If a person charged with a criminal offense fails to appear or otherwise respond in
28 court after having received notice to do so, the court shall notify the Division of Motor Vehicles
29 thereof within 15 days of the scheduled date to appear unless such person sooner appears or
30 otherwise responds in court to the satisfaction of the court. Upon such notice, the Division of Motor
31 Vehicles shall suspend the person's driver's license or privilege to operate a motor vehicle in this
32 state until such time that the person appears as required.

NOTE: The purpose of this bill is to eliminate the ability of a person's driver's license to be suspended for the failure to pay court fines and costs and to authorize the circuit clerk to record a judgment lien for unpaid fines and costs.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.