

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **Senate Bill 674**

BY SENATORS WELD, WOELFEL, AND LINDSAY

[Introduced March 19, 2021; referred  
to the Committee on the Judiciary]



1 A BILL to amend and reenact §8-10-2a and §8-10-2b of the Code of West Virginia, 1931, as  
2 amended; to amend and reenact §50-3-2a of said code; and to amend and reenact §62-  
3 4-17 of said code, all relating generally to court-ordered costs, fines, forfeitures, restitution,  
4 and penalties; clarifying that unpaid restitution need not preclude a person from obtaining  
5 a valid driver's license; establishing procedures to obtain a lien against a person who owes  
6 restitution; and providing procedures for removing a lien.

*Be it enacted by the Legislature of West Virginia:*

## **CHAPTER 8. MUNICIPAL CORPORATIONS.**

### **ARTICLE 10. POWERS AND DUTIES OF CERTAIN OFFICERS.**

#### **§8-10-2a. Payment of fines by electronic payments, credit cards, cash, money orders, or certified checks.**

1 A municipal court may accept electronic payments, credit cards, cash, money order, or  
2 certified checks for all costs, fines, forfeitures, restitution, or penalties electronically, by mail, or in  
3 person. Any charges made by the credit company shall be paid by the person responsible for  
4 paying the cost, fine, fee, restitution, or penalty.

#### **§8-10-2b. Payment plan; failure to pay will result in late fee and judgment lien; suspension of licenses for failure to pay fines and costs or failure to appear in court.**

1 (a) Upon request and subject to the following requirements, the municipal court clerk or,  
2 upon a judgment rendered on appeal, the clerk shall establish a payment plan for a person owing  
3 costs, fines, forfeitures, restitution, or penalties imposed by the court for a motor vehicle violation  
4 as defined in §17B-3-3a of this code, a criminal offense as defined in §17B-3-3c of this code, or  
5 other applicable municipal ordinances, so long as the person signs and files with the clerk an  
6 affidavit stating that he or she is financially unable to pay the costs, fines, forfeitures, restitution,  
7 or penalties imposed:

8 (1) A \$25 administrative processing fee shall be paid at the time the payment form is filed  
9 or, in the alternative, the fee may be paid in no more than five equal monthly payments;

10 (2) Unless incarcerated, a person must enroll in a payment plan no later than 90 calendar  
11 days after the date the court enters the order assessing the costs, fines, forfeitures, restitution, or  
12 penalties; and

13 (3) If the person is incarcerated, he or she may enroll in a payment plan within 90 calendar  
14 days after release.

15 (b) The West Virginia Supreme Court of Appeals shall develop a uniform payment plan  
16 form and financial affidavit for requests for the establishment of a payment plan pursuant to  
17 subsection (a) of this section. The forms shall be made available for distribution to the offices of  
18 municipal clerks, and municipal clerks shall use the payment plan form and affidavit form  
19 developed by the West Virginia Supreme Court of Appeals when establishing payment plans.

20 (c)(1) The payment plan shall specify: (A) The number of payments to be made; (B) the  
21 dates on which such payments are due; (C) the amount due for each payment; (D) all acceptable  
22 payment methods; and (E) the circumstances under which the person may receive a late fee,  
23 have a judgment lien recorded against him or her, or have the debt sent to collections for  
24 nonpayment;

25 (2) The monthly payment under the payment plan shall be calculated based upon all costs,  
26 fines, forfeitures, restitution, or penalties owed within the court, and shall be two percent of the  
27 person's annual net income divided by 12, or \$10, whichever is greater;

28 (3) The court may review the reasonableness of the payment plan, and may on its own  
29 motion or by petition, waive, modify, or convert the outstanding costs, fines, forfeitures, restitution,  
30 or penalties to community service if the court determines that the individual has had a change in  
31 circumstances and is unable to comply with the terms of the payment plan.

32 (d) (1) The clerk may assess a \$10 late fee each month if a person fails to comply with the  
33 terms of a payment plan and if any payment due is not received within 30 days after the due date,  
34 and the person:

35 (A) Is not incarcerated;

36 (B) Has not brought the account current;

37 (C) Has not made alternative payment arrangements with the court; or

38 (D) Has not entered into a revised payment plan with the clerk before the due date.

39 (2) If after 90 days, a payment has not been received, the clerk may do one or both of the  
40 following: (A) Record a judgment lien as described in subsection (f) of this section; or (B) consign  
41 the delinquent costs, fines, forfeitures, restitution, or penalties to a debt collection agency  
42 contained on the State Tax Commissioner's list of eligible debt collection agencies established  
43 and maintained pursuant to §14-1-18c of this code, an internal collection division, or both:  
44 *Provided*, That the entire amount of all delinquent payments collected shall be remitted to the  
45 court and may not be reduced by any collection costs or fees: *Provided, however*, That the  
46 collection fee may not exceed 25 percent of the delinquent payment amount. The clerk may send  
47 notices, electronically or by U.S. mail, to remind the person of an upcoming or missed payment.

48 (e)(1) If after 90 days of a judgment a person fails to enroll in a payment plan and fails to  
49 pay their costs, fines, forfeitures, restitution, or penalties, the clerk may assess a \$10 late fee and  
50 shall notify the person of the following:

51 (A) That he or she is 90 days past due in the payment of costs, fines, forfeitures, restitution,  
52 or penalties imposed pursuant to a judgment of the court;

53 (B) That he or she has failed to enroll in a payment plan;

54 (C) Whether a \$10 late fee has been assessed; and

55 (D) That he or she may be the subject of a judgment lien or have his or her debt sent to a  
56 collection agency if the overdue payment of costs, fines, forfeitures, restitution, or penalties is not  
57 resolved within 30 days of the date of the notice issued pursuant to this subsection.

58 (2) If after 30 days from the issuance of a notice pursuant to subdivision (1) of this  
59 subsection, a payment has not been received, the clerk may do one or both of the following:

60 (A) Record a judgment lien as described in subsection (f) of this section; or

61 (B) Consign the delinquent costs, fines, forfeitures, restitution, or penalties to a debt  
62 collection agency contained on the State Tax Commissioner's list of eligible debt collection  
63 agencies established and maintained pursuant to §14-1-18c of this code, an internal collection  
64 division, or both: *Provided*, That the entire amount of all delinquent payments collected shall be  
65 remitted to the court and may not be reduced by any collection costs or fees: *Provided, however*,  
66 That the collection fee may not exceed 25 percent of the delinquent payment amount.

67 (f) To record a judgment lien, the clerk shall notify the prosecuting attorney of the county  
68 of nonpayment and shall provide the prosecuting attorney with an abstract of judgment. The  
69 prosecuting attorney shall file the abstract of judgment in the office of the clerk of the county  
70 commission in the county where the defendant was convicted and in any county in which the  
71 defendant resides or owns property. The clerk of the county commission shall record and index  
72 these abstracts of judgment without charge or fee to the prosecuting attorney and when recorded,  
73 the amount stated to be owed in the abstract constitutes a lien against all property of the  
74 defendant: *Provided*, That when all the costs, fines, fees, forfeitures, restitution, or penalties for  
75 which an abstract of judgment has been recorded are paid in full, the clerk of the municipal court  
76 shall notify the prosecuting attorney of the county of payment and provide the prosecuting attorney  
77 with a release of judgment, prepared in accordance with the provisions of §38-12-1 of this code,  
78 for filing and recordation pursuant to the provisions of this subdivision. Upon receipt from the clerk,  
79 the prosecuting attorney shall file the release of judgment in the office of the clerk of the county  
80 commission in each county where an abstract of the judgment was recorded. The clerk of the  
81 county commission shall record and index the release of judgment without charge or fee to the  
82 prosecuting attorney.

83 (g) A person whose driver's license was suspended prior to July 1, 2020, solely for the  
84 nonpayment of costs, fines, forfeitures, restitution, or penalties, if otherwise eligible, shall have  
85 his or her license reinstated:

86 (1) Upon payment in full of all outstanding costs, fines, forfeitures, restitution, or penalties  
87 and a \$25 reinstatement fee paid to the Division of Motor Vehicles; or

88 (2) Upon establishing a payment plan pursuant to subsection (a) of this section and the  
89 payment of a \$25 administrative fee. The clerk shall notify the Division of Motor Vehicles that a  
90 payment plan is in effect, and upon receipt of the notification, the division shall waive the  
91 reinstatement fee.

92 (h) If a person charged with a motor vehicle violation as defined in §17B-3-3a of this code  
93 or criminal offense fails to appear or otherwise respond in court, the municipal court clerk shall  
94 notify the Division of Motor Vehicles of the failure to appear: *Provided*, That notwithstanding any  
95 other provision of this code to the contrary, for residents of this state, the municipal court clerk  
96 shall wait at least 90 days from the date of the person's failure to appear or otherwise respond  
97 before notifying the Division of Motor Vehicles thereof. Upon notice, the Division of Motor Vehicles  
98 shall suspend the person's driver's license or privilege to operate a motor vehicle in this state until  
99 such time that the person appears as required.

## CHAPTER 50. MAGISTRATE COURTS.

### ARTICLE 3. COSTS, FINES, AND RECORDS.

**§50-3-2a. Payment by electronic payments, credit card payments, cash, money orders, or certified checks; payment plan; failure to pay fines results in a late fee and judgment lien.**

1 (a) A magistrate court may accept electronic payments, credit cards, cash, money order,  
2 or certified check for payment of all costs, fines, fees, forfeitures, restitution, or penalties in  
3 accordance with rules promulgated by the Supreme Court of Appeals. Any charges made by the

4 credit company shall be paid by the person responsible for paying the cost, fine, forfeiture,  
5 restitution, or penalty.

6 (b) Upon request and subject to the following requirements, the magistrate clerk shall  
7 establish a payment plan for a person owing costs, fines, forfeitures, restitution, or penalties  
8 imposed by the court, so long as the person signs and files with the clerk, an affidavit stating that  
9 he or she is financially unable to pay the costs, fines, forfeitures, restitution, or penalties imposed:

10 (1) A \$25 administrative processing fee shall be paid at the time the payment form is filed  
11 or, in the alternative, the fee may be paid in no more than five equal monthly payments;

12 (2) Unless incarcerated, a person must enroll in a payment plan no later than 180 calendar  
13 days after the date the court enters the order assessing the costs, fines, forfeitures, restitution, or  
14 penalties; and

15 (3) If the person is incarcerated, he or she may enroll in a payment plan within 180  
16 calendar days after release.

17 (c) The West Virginia Supreme Court of Appeals shall develop a uniform payment plan  
18 form and financial affidavit for requests for the establishment of payment plan pursuant to  
19 subsection (a) of this section. The forms shall be made available for distribution to the offices of  
20 magistrate clerks, and magistrate clerks shall use the payment plan form and affidavit form  
21 developed by the West Virginia Supreme Court of Appeals when establishing payment plans.

22 (d)(1) The payment plan shall specify: (A) The number of payments to be made; (B) the  
23 dates on which the payments are due; (C) the amount due for each payment; (D) all acceptable  
24 payment methods; and (E) the circumstances under which the person may receive a late fee,  
25 have a judgment lien recorded against him or her, or have the debt sent to collections for  
26 nonpayment.

27 (2) The monthly payment under the payment plan shall be calculated based upon all costs,  
28 fines, forfeitures, restitution, or penalties owed within the court, and shall be two percent of the  
29 person's annual net income divided by 12 or \$10, whichever is greater.



30 (3) The court may review the reasonableness of the payment plan, and may on its own  
31 motion or by petition, waive, modify, or convert the outstanding costs, fines, forfeitures, restitution,  
32 or penalties to community service if the court determines that the individual has had a change in  
33 circumstances and is unable to comply with the terms of the payment plan.

34 (e) (1) The clerk may assess a \$10 late fee each month if a person fails to comply with the  
35 terms of a payment plan, and if any payment due is not received within 30 days after the due  
36 date, and the person:

37 (A) Is not incarcerated;

38 (B) Has not brought the account current;

39 (C) Has not made alternative payment arrangements with the court; or

40 (D) Has not entered into a revised payment plan with the clerk before the due date.

41 (2) If, after 90 days, a payment has not been received, the clerk may do one or both of the  
42 following: (A) Record a judgment lien as described in subsection (f) of this section; or (B) consign  
43 the delinquent costs, fines, forfeitures, restitution, or penalties to a debt collection agency  
44 contained on the State Tax Commissioner's list of eligible debt collection agencies established  
45 and maintained pursuant to §14-1-18c of this code, an internal collection division, or both:  
46 *Provided*, That the entire amount of all delinquent payments collected shall be remitted to the  
47 court and may not be reduced by any collection costs or fees: *Provided, however*, That the  
48 collection fee may not exceed 25 percent of the delinquent payment amount. The clerk may send  
49 notices, electronically or by U.S. mail, to remind the person of an upcoming or missed payment.

50 (f)(1) If after 180 days of a judgment a person fails to enroll in a payment plan and fails to  
51 pay his or her costs, fines, forfeitures, restitution, or penalties, the clerk may assess a \$10 late  
52 fee and shall notify the person of the following:

53 (A) That he or she is 180 days past due in the payment of costs, fines, forfeitures,  
54 restitution, or penalties imposed pursuant to a judgment of the court;

55 (B) That he or she has failed to enroll in a payment plan;

56 (C) Whether a \$10 late fee has been assessed; and

57 (D) That he or she may be the subject of a judgment lien or have his or her debt sent to a  
58 collection agency if the overdue payment of costs, fines, forfeitures, restitution, or penalties is not  
59 resolved within 30 days of the date of the notice issued pursuant to this subsection.

60 (2) If after 30 days from the issuance of a notice pursuant to subdivision (1) of this  
61 subsection, a payment has not been received, the clerk may do one or both of the following:

62 (A) Record a judgment lien as described in subsection (f) of this section; or

63 (B) Consign the delinquent costs, fines, forfeitures, restitution, or penalties to a debt  
64 collection agency contained on the State Tax Commissioner's list of eligible debt collection  
65 agencies established and maintained pursuant to §14-1-18c of this code, an internal collection  
66 division, or both: *Provided*, That the entire amount of all delinquent payments collected shall be  
67 remitted to the court and may not be reduced by any collection costs or fees: *Provided, however*,  
68 That the collection fee may not exceed 25 percent of the delinquent payment amount.

69 (g) To record a judgment lien, the clerk shall notify the prosecuting attorney of the county  
70 of nonpayment and shall provide the prosecuting attorney with an abstract of judgment. The  
71 prosecuting attorney shall file the abstract of judgment in the office of the clerk of the county  
72 commission in the county where the defendant was convicted and in any county wherein the  
73 defendant resides or owns property. The clerk of the county commission shall record and index  
74 these abstracts of judgment without charge or fee to the prosecuting attorney and when recorded,  
75 the amount stated to be owed in the abstract constitutes a lien against all property of the  
76 defendant: *Provided*, That when all the costs, fines, fees, forfeitures, restitution, or penalties for  
77 which an abstract of judgment has been recorded are paid in full, the clerk of the municipal court  
78 shall notify the prosecuting attorney of the county of payment and provide the prosecuting attorney  
79 with a release of judgment, prepared in accordance with the provisions of §38-12-1 of this code,  
80 for filing and recordation pursuant to the provisions of this subdivision. Upon receipt from the clerk,  
81 the prosecuting attorney shall file the release of judgment in the office of the clerk of the county

82 commission in each county where an abstract of the judgment was recorded. The clerk of the  
83 county commission shall record and index the release of judgment without charge or fee to the  
84 prosecuting attorney.

85 (h) A person whose driver's license was suspended before July 1, 2020, solely for the  
86 nonpayment of costs, fines, forfeitures, restitution, or penalties, if otherwise eligible, shall have  
87 his or her license reinstated:

88 (1) Upon payment in full of all outstanding costs, fines, forfeitures, restitution, or penalties  
89 and a \$25 reinstatement fee paid to the Division of Motor Vehicles; or

90 (2) Upon establishing a payment plan pursuant to subsection (a) of this section and the  
91 payment of a \$25 administrative fee. The clerk shall notify the Division of Motor Vehicles that a  
92 payment plan is in effect, and upon receipt of the notification, the division shall waive the  
93 reinstatement fee.

94 (i)(1) If any costs, fines, fees, forfeitures, restitution, or penalties imposed or ordered by  
95 the magistrate court for a hunting violation described in chapter 20 of this code are not paid within  
96 180 days from the date of judgment and the expiration of any stay of execution, the magistrate  
97 court clerk or, upon a judgment rendered on appeal, the circuit clerk shall notify the Director of  
98 the Division of Natural Resources of the failure to pay. Upon notice, the Director of the Division of  
99 Natural Resources shall suspend any privilege the person failing to appear or otherwise respond  
100 may have to hunt in this state, including any hunting license issued to the person by the Division  
101 of Natural Resources, until all the costs, fines, fees, forfeitures, restitution, or penalties are paid  
102 in full.

103 (2) If any costs, fines, fees, forfeitures, restitution, or penalties imposed or ordered by the  
104 magistrate court for a fishing violation described in chapter 20 of this code are not paid within 180  
105 days from the date of judgment and the expiration of any stay of execution, the magistrate court  
106 clerk or, upon a judgment rendered on appeal, the circuit clerk shall notify the Director of the  
107 Division of Natural Resources of the failure to pay. Upon notice, the Director of the Division of

108 Natural Resources shall suspend any privilege the person failing to appear or otherwise respond  
109 may have to fish in this state, including any fishing license issued to the person by the Division of  
110 Natural Resources, until all the costs, fines, fees, forfeitures, restitution, or penalties are paid in  
111 full.

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

121 (2) In addition to the provisions of subdivision (1) of this subsection, if a person charged  
122 with any hunting violation described in chapter 20 of this code fails to appear or otherwise respond  
123 in court, the magistrate court shall notify the Director of the Division of Natural Resources of the  
124 failure thereof within 15 days of the scheduled date to appear unless the person sooner appears  
125 or otherwise responds in court to the satisfaction of the magistrate. Upon notice, the Director of  
126 the Division of Natural Resources shall suspend any privilege the person failing to appear or  
127 otherwise respond may have to hunt in this state, including any hunting license issued to the  
128 person by the Division of Natural Resources, until final judgment in the case and, if a judgment of  
129 guilty, until all costs, fines, fees, forfeitures, restitution, or penalties imposed are paid in full.

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

134 or otherwise responds in court to the satisfaction of the magistrate. Upon notice, the Director of  
135 the Division of Natural Resources shall suspend any privilege the person failing to appear or  
136 otherwise respond may have to fish in this state, including any fishing license issued to the person  
137 by the Division of Natural Resources, until final judgment in the case and, if a judgment of guilty,  
138 until all costs, fines, fees, forfeitures, restitution, or penalties imposed are paid in full.

139 (k) In every criminal case which involves a misdemeanor violation, a magistrate may order  
140 restitution where appropriate when rendering judgment.

141 (l) Notwithstanding any provision of this code to the contrary, except as authorized by this  
142 section, payments of all costs, fines, fees, forfeitures, restitution, or penalties imposed by the  
143 magistrate court in civil or criminal matters shall be made in full. Partial payments of costs, fines,  
144 fees, forfeitures, restitution, or penalties made pursuant to this section shall be credited to  
145 amounts due in the following order:

- 146 (1) Regional Jail Fund;
- 147 (2) Worthless check payee;
- 148 (3) Restitution;
- 149 (4) Magistrate Court Fund;
- 150 (5) Worthless Check Fund;
- 151 (6) Per diem regional jail fee;
- 152 (7) Community Corrections Fund;
- 153 (8) Regional Jail Operational Fund;
- 154 (9) Law-Enforcement Training Fund;
- 155 (10) Crime Victims Compensation Fund;
- 156 (11) Court Security Fund;
- 157 (12) Courthouse Improvement Fund;
- 158 (13) Litter Control Fund;
- 159 (14) Sheriff arrest fee;

- 160 (15) Teen Court Fund;
- 161 (16) Other costs, if any;
- 162 (17) Fine.

## **CHAPTER 62. CRIMINAL PROCEDURE.**

### **ARTICLE 4. RECOVERY OF FINES IN CRIMINAL CASES.**

#### **§62-4-17. Suspension of licenses for failure to appear in court; payment plan; failure to pay fines will result in late fee and judgment lien.**

1 (a) Upon request and subject to the following requirements, the circuit clerk shall establish  
2 a payment plan for a person owing costs, fines, forfeitures, restitution, or penalties imposed by  
3 the court, so long as the person signs and files with the clerk, an affidavit, stating that he or she  
4 is financially unable to pay the costs, fines, forfeitures, restitution, or penalties imposed:

5 (1) A \$25 administrative processing fee shall be paid at the time the payment form is filed  
6 or, in the alternative, the fee may be paid in no more than five equal monthly payments;

7 (2) Unless incarcerated, a person must enroll in a payment plan no later than 180 calendar  
8 days after the date the court enters the order assessing the costs, fines, forfeitures, restitution, or  
9 penalties; and

10 (3) If the person is incarcerated, he or she enroll in a payment plan within 180 calendar  
11 days after release.

12 (b) The West Virginia Supreme Court of Appeals shall develop a uniform payment plan  
13 form and financial affidavit for requests for the establishment of payment plan pursuant to  
14 subsection (a) of this section. The forms shall be made available for distribution to the offices of  
15 circuit clerks and circuit clerks shall use the payment plan form and affidavit form developed by  
16 the West Virginia Supreme Court of Appeals when establishing payment plans.

17 (c)(1) The payment plan shall specify: (A) The number of payments to be made; (B) the  
18 dates on which such payments are due; (C) the amount due for each payment; (D) all acceptable

19 payment methods; and (E) the circumstances under which the person may receive a late fee,  
20 have a judgment lien recorded against them, or have the debt sent to collections for nonpayment.

21 (2) The monthly payment under the payment plan shall be calculated based upon all costs,  
22 fines, forfeitures, restitution, or penalties owed within the court, and shall be two percent of the  
23 person's annual net income divided by 12, or \$10, whichever is greater.

24 (3) The court may review the reasonableness of the payment plan, and may on its own  
25 motion or by petition, waive, modify, or convert the outstanding costs, fines, forfeitures, restitution,  
26 or penalties to community service if the court determines that the individual has had a change in  
27 circumstances and is unable to comply with the terms of the payment plan.

28 (d) (1) The clerk may assess a \$10 late fee each month if a person fails to comply with the  
29 terms of a payment plan, and if any payment due is not received within 30 days after the due  
30 date, and the person:

31 (A) Is not incarcerated;

32 (B) Has not brought the account current;

33 (C) Has not made alternative payment arrangements with the court; or

34 (D) Has not entered into a revised payment plan with the clerk before the due date.

35 (2) If, after 90 days, a payment has not been received, the clerk may do one or both of the  
36 following: (A) Record a judgment lien as described in subsection (f) of this section; or (B) consign  
37 the delinquent costs, fines, forfeitures, restitution, or penalties to a debt collection agency  
38 contained on the State Tax Commissioner's list of eligible debt collection agencies established  
39 and maintained pursuant to §14-1-18c of this code, an internal collection division, or both:  
40 *Provided*, That the entire amount of all delinquent payments collected shall be remitted to the  
41 court and may not be reduced by any collection costs or fees: *Provided, however*, That the  
42 collection fee may not exceed 25 percent of the delinquent payment amount. The clerk may send  
43 notices, electronically or by U.S. mail, to remind the person of an upcoming or missed payment.

44 (e)(1) If after 180 days of a judgment a person fails to enroll in a payment plan and fails to  
45 pay his or her costs, fines, forfeitures, restitution, or penalties, the clerk may assess a \$10 late  
46 fee and shall notify the person of the following:

47 (A) That he or she is 180 days past due in the payment of costs, fines, forfeitures,  
48 restitution, or penalties imposed pursuant to a judgment of the court;

49 (B) That he or she has failed to enroll in a payment plan;

50 (C) Whether a \$10 late fee has been assessed; and

51 (D) That he or she may be the subject of a judgment lien or have his or her debt sent to a  
52 collection agency if the overdue payment of costs, fines, forfeitures, restitution, or penalties is not  
53 resolved within 30 days of the date of the notice issued pursuant to this subsection.

54 (2) If after 30 days from the issuance of a notice pursuant to subdivision (1) of this  
55 subsection, a payment has not been received, the clerk may do one or both of the following:

56 (A) Record a judgment lien as described in subsection (f) of this section; or

57 (B) Consign the delinquent costs, fines, forfeitures, restitution, or penalties to a debt  
58 collection agency contained on the State Tax Commissioner's list of eligible debt collection  
59 agencies established and maintained pursuant to §14-1-18c of this code, an internal collection  
60 division, or both: *Provided*, That the entire amount of all delinquent payments collected shall be  
61 remitted to the court and may not be reduced by any collection costs or fees: *Provided, however*,  
62 That the collection fee may not exceed 25 percent of the delinquent payment amount.

63 (f) To record a judgment lien, the clerk shall notify the prosecuting attorney of the county  
64 of nonpayment and shall provide the prosecuting attorney with an abstract of judgment. The  
65 prosecuting attorney shall file the abstract of judgment in the office of the clerk of the county  
66 commission in the county where the defendant was convicted and in any county wherein the  
67 defendant resides or owns property. The clerk of the county commission shall record and index  
68 these abstracts of judgment without charge or fee to the prosecuting attorney, and when recorded,  
69 the amount stated to be owed in the abstract constitutes a lien against all property of the



70 defendant: *Provided*, That when all the costs, fines, fees, forfeitures, restitution, or penalties for  
71 which an abstract of judgment has been recorded are paid in full, the clerk of the municipal court  
72 shall notify the prosecuting attorney of the county of payment and provide the prosecuting attorney  
73 with a release of judgment, prepared in accordance with the provisions of §38-12-1 of this code,  
74 for filing and recordation pursuant to the provisions of this subdivision. Upon receipt from the clerk,  
75 the prosecuting attorney shall file the release of judgment in the office of the clerk of the county  
76 commission in each county where an abstract of the judgment was recorded. The clerk of the  
77 county commission shall record and index the release of judgment without charge or fee to the  
78 prosecuting attorney.

79 (g) A person whose driver's license was suspended prior to July 1, 2020, solely for the  
80 nonpayment of costs, fines, forfeitures, restitution, or penalties, if otherwise eligible, shall have  
81 his or her license reinstated:

82 (1) Upon payment in full of all outstanding costs, fines, forfeitures, restitution, or penalties  
83 and a \$25 reinstatement fee paid to the Division of Motor Vehicles; or

84 (2) Upon establishing a payment plan pursuant to subsection (a) of this section and the  
85 payment of a \$25 administrative fee. The clerk shall notify the Division of Motor Vehicles that a  
86 payment plan is in effect, and upon receipt of the notification, the division shall waive the  
87 reinstatement fee.

88 (h) If a person charged with a criminal offense fails to appear or otherwise respond in court  
89 after having received notice to do so, the court shall notify the Division of Motor Vehicles thereof  
90 within 15 days of the scheduled date to appear unless such person sooner appears or otherwise  
91 responds in court to the satisfaction of the court. Upon such notice, the Division of Motor Vehicles  
92 shall suspend the person's driver's license or privilege to operate a motor vehicle in this state until  
93 such time that the person appears as required.