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Jane Dee Hull
Secretary of State

CHAPTER 230

HOUSE BILL 2154

AN ACT

AMENDING SECTIONS 28-108 AND 28-110, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-118; AMENDING SECTIONS 28-216, 28-413, 28-416, 28-421.01, 28-426, 28-441, 28-443, 28-444, 28-445, 28-448, 28-471 AND 28-695.01, ARIZONA REVISED STATUTES; RELATING TO THE MOTOR VEHICLE DIVISION.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-108, Arizona Revised Statutes, is amended to
3 read:

4 28-108. Powers and duties

5 A. The director shall:

6 1. Supervise and administer the overall activities of the department
7 and its divisions and employees.

8 2. Appoint assistant directors for each of the divisions which
9 assistant directors shall be exempt from the state personnel system.

10 3. Prescribe such rules as he deems necessary for the collection of
11 taxes and license fees.

12 4. Provide for the assembly and distribution of information to the
13 public concerning the department activities.

14 5. Prescribe such rules as he deems necessary for public safety and
15 convenience.

16 6. Prescribe rules for the expenditure of all money in the state
17 highway fund.

1 7. Prescribe standard board and road signs, or other devices, and
2 provide a uniform system of marking and signaling on state routes and state
3 highways, which shall correlate with and so far as possible conform to the
4 system as approved by the American association of state highway officials,
5 and regulate the use of advertising signboards and road signs on state roads
6 or state highways.

7 8. Prescribe rules for closing state highways under construction or
8 repair.

9 9. Receive, allocate, control and disperse all funds designated for
10 state mass transit programs by federal or state law or rule.

11 10. Pass upon projects for construction in cooperation with the United
12 States, and negotiate and enter into contracts on behalf of the state with
13 the United States for the cooperative construction and maintenance of federal
14 aid mass transit systems within the state.

15 11. Enter into agreements on behalf of the state with counties, cities,
16 towns, mass transit districts, or other political ~~subdivision~~ SUBDIVISIONS
17 for the improvement or maintenance of mass transit systems, or for the joint
18 improvement or maintenance thereof, and enter into contracts for the
19 construction of state mass transit systems.

20 12. Prescribe rules for the application for and the expenditure of all
21 mass transit funds.

22 13. Exercise such other powers and duties as are necessary to fully
23 carry out the policies, activities and duties of the department.

24 14. Delegate such functions, duties or powers as he deems necessary to
25 carry out the efficient operation of the department.

26 15. Contract for both the operation of state owned airports and for the
27 purpose of securing air search and rescue services.

28 16. Plan, build and develop, in conjunction with local authorities,
29 airports, airport terminals and other related navigational facilities.

30 17. Operate and maintain the Grand Canyon national park airport located
31 in the Kaibab national forest, Coconino county.

32 18. Enter into agreements on behalf of the state with counties, cities,
33 towns or rural districts for the improvement or maintenance of state routes,
34 or for the joint improvement or maintenance thereof.

35 19. Exercise complete and exclusive operational control and
36 jurisdiction over the use of state highways and routes and prescribe such
37 rules regarding such use as he deems necessary to prevent the abuse and
38 unauthorized use of such highways and routes.

39 20. Coordinate the design, right-of-way purchase and construction of
40 controlled-access highways which are either state routes or state highways
41 and related grade separations of controlled-access highways and the design,
42 right-of-way purchase, construction, standard and reduced clearance grade
43 separation, extension and widening of arterial streets and highways under
44 chapter 9 of this title and assist counties and municipalities in the

1 counties in the development of their regional transportation plans under
2 chapter 9 of this title to ensure that the streets and highways within each
3 county form a regional system.

4 21. On or before December 1 present an annual report to the speaker of
5 the house of representatives and the president of the senate documenting the
6 expenditures of monies under chapter 9 of this title during the previous
7 fiscal year relating to the design, right-of-way purchase or construction of
8 controlled-access highways which are accepted in the state highway system as
9 state routes or state highways or related grade separations of
10 controlled-access highways which are included in the regional transportation
11 plans of the counties.

12 22. Enter into agreements by direct contract with nonpublic entities
13 for services or jointly exercise any powers common to the contracting parties
14 that he deems necessary and in the best interests of the department subject
15 to the limitations of section 41-2544.

16 23. SUBJECT TO THE LIMITATIONS OF SECTION 41-2544, ENTER INTO
17 AGREEMENTS BY DIRECT CONTRACT WITH PUBLIC AND PRIVATE ENTITIES FOR SERVICES
18 LOCATED IN DEPARTMENT OFFICES THAT THE DIRECTOR DEEMS OF MUTUAL INTEREST TO
19 BOTH PARTIES.

20 24. FOR COMPENSATION, ENTER INTO AGREEMENTS BY DIRECT CONTRACT WITH
21 PUBLIC AND PRIVATE ENTITIES TO ADVERTISE THOSE ENTITIES' GOODS AND SERVICES.

22 B. The director may provide technical transportation planning
23 expertise to local governments when requested, coordinate local government
24 transportation planning with regional and state transportation planning and
25 guide local transportation planning to assure compliance with federal
26 requirements. Such planning authority shall not, however, preempt planning
27 responsibilities and decisions of local governments.

28 C. If the governor declares a state of emergency the director may, as
29 necessary, contract and do all things necessary to provide emergency
30 transportation services for the residents in the affected areas whether such
31 emergency transportation is by streets, by rail or by air.

32 D. The director, on determination that it is in the state's best
33 interest, may authorize payment for necessary relocation costs in advance of
34 work being performed if an existing facility owned by the United States must
35 be relocated or adjusted due to construction, modification or improvement of
36 a state highway. Each advance payment shall be based on an estimate of cost
37 of the proposed relocation or adjustment prepared by the federal government
38 and acceptable to the director. The final compensation shall be based on the
39 actual agreed cost.

40 Sec. 2. Section 28-110, Arizona Revised Statutes, is amended to read:

1 28-110. Duplication of records; notification of duplication;
2 admissibility of duplications as originals;
3 destruction of nonessential or obsolete records;
4 computer storage of information; definitions

5 A. The director may cause any ~~records~~ WRITINGS, RECORDINGS AND
6 PHOTOGRAPHS kept by the department to be DUPLICATED. ~~photographed,~~
7 ~~microphotographed, photostated or reproduced on film.~~ The film or
8 ~~reproducing material shall be of durable material and the device used to~~
9 ~~reproduce the records on the film or material shall be such as to accurately~~
10 ~~reproduce and perpetuate the original records in all details.~~

11 B. When such ~~photostatic copies, photographs, microphotographs or~~
12 ~~reproductions on films~~ DUPLICATES are placed in conveniently accessible files
13 and provisions ARE made for preserving, examining and using them, the
14 director OF THE DEPARTMENT OF TRANSPORTATION may certify such fact to the
15 director of the department of library, archives and public records, who shall
16 thereafter, within ninety days, direct the disposal, archival storage or
17 destruction of the records or papers.

18 C. ~~Such photostatic copy, photograph, microphotograph or photographic~~
19 ~~film~~ A CERTIFIED DUPLICATE of the original ~~records~~ WRITINGS, RECORDINGS OR
20 PHOTOGRAPHS shall be deemed to be an original ~~record~~ WRITING, RECORDING OR
21 PHOTOGRAPH for all purposes, and shall be admissible in evidence WITHOUT
22 FURTHER FOUNDATION in all courts or administrative agencies. ~~A facsimile,~~
23 ~~exemplification or certified copy thereof shall, for all purposes recited in~~
24 ~~this section, be deemed to be a transcript exemplification or certified copy~~
25 ~~of the original.~~

26 D. Upon certification by the director OF THE DEPARTMENT OF
27 TRANSPORTATION of any obsolete or nonessential ~~records~~ WRITINGS, RECORDINGS
28 AND PHOTOGRAPHS, which the director OF THE DEPARTMENT OF TRANSPORTATION
29 determines are not of sufficient value to be preserved by being ~~photographed,~~
30 ~~microphotographed, photostated or reproduced on film~~ DUPLICATED, the director
31 of the department of library, archives and public records shall order their
32 destruction within ninety days from the certification, but the director of
33 the department of library, archives and public records may elect to have any
34 such documents proposed to be destroyed transferred to ~~his~~ THE department OF
35 LIBRARY, ARCHIVES AND PUBLIC RECORDS upon request therefor, within the ninety
36 day period.

37 E. The director may cause the information contained on any original
38 ~~records~~ WRITING, RECORDING OR PHOTOGRAPH or ~~reproductions~~ DUPLICATE thereof
39 made pursuant to this section to be placed on computer storage devices, but
40 the original ~~records~~ WRITINGS, RECORDINGS AND PHOTOGRAPHS or the copies shall
41 be maintained by the department ~~so~~ FOR AS long as required by law or the
42 director deems necessary after which time the ~~records~~ WRITINGS, RECORDINGS
43 AND PHOTOGRAPHS may be disposed of as provided in this section. Signatures

1 on ~~records~~ WRITINGS, RECORDINGS AND PHOTOGRAPHS need not be placed on the
2 computer storage devices.

3 F. A ~~reproduction~~ DUPLICATE of the information placed on computer
4 storage devices shall be deemed to be an original of the ~~record~~ WRITING,
5 RECORDING OR PHOTOGRAPH for all purposes and shall be admissible in evidence
6 without further foundation in all courts or administrative agencies ~~when~~ IF
7 the following certification ~~by a custodian of the record~~ appears on each
8 page:

9 ~~The below named individual, being a duly designated custodian of~~
10 ~~the motor vehicle division's public records, certifies~~ This
11 document ~~as~~ IS a ~~true reproduction~~ CERTIFIED DUPLICATE of the
12 information contained in the computer storage devices of the
13 department of transportation, motor vehicle division, in
14 accordance with Arizona Revised Statutes section 28-110,
15 subsection F.

16 By: ~~/s/ (print full name)~~

17 G. FOR THE PURPOSES OF THIS SECTION:

18 1. "DUPLICATE" MEANS A COUNTERPART PRODUCED BY ANY OF THE FOLLOWING:

19 (a) THE SAME IMPRESSION OR FROM THE SAME MATRIX AS THE ORIGINAL.

20 (b) MEANS OF PHOTOGRAPHY, INCLUDING ENLARGEMENTS AND MINIATURES.

21 (c) MECHANICAL OR ELECTRONIC RERECORDING.

22 (d) CHEMICAL REPRODUCTION.

23 (e) ANY OTHER EQUIVALENT TECHNIQUE THAT ACCURATELY REPRODUCES THE
24 ORIGINAL.

25 2. "ORIGINAL":

26 (a) OF A WRITING OR RECORDING MEANS THE WRITING OR RECORDING ITSELF
27 OR ANY COUNTERPART INTENDED TO HAVE THE SAME EFFECT BY THE PERSON EXECUTING
28 OR ISSUING IT.

29 (b) OF A PHOTOGRAPH MEANS THE NEGATIVE OR A PRINT FROM THE NEGATIVE.

30 (c) OF DATA STORED IN A COMPUTER OR SIMILAR DEVICE MEANS A PRINTOUT
31 OR OTHER OUTPUT THAT IS READABLE BY SIGHT AND THAT IS SHOWN TO REFLECT THE
32 DATA ACCURATELY.

33 3. "PHOTOGRAPHS" INCLUDES STILL PHOTOGRAPHS, X-RAY FILMS, VIDEOTAPES
34 AND MOTION PICTURES.

35 4. "WRITINGS" AND "RECORDINGS" MEANS LETTERS, WORDS OR NUMBERS OR
36 THEIR EQUIVALENT THAT ARE SET DOWN BY HANDWRITING, TYPEWRITING, PRINTING,
37 PHOTOSTATING, PHOTOGRAPHING, MAGNETIC IMPULSE, MECHANICAL OR ELECTRONIC
38 RECORDING OR ANY OTHER FORM OF DATA COMPILATION.

39 Sec. 3. Title 28, chapter 1, article 1, Arizona Revised Statutes, is
40 amended by adding section 28-118, to read:

1 28-118. Alternative office hours for motor vehicle division
2 offices

3 TO MEET THE NEEDS OF THE PUBLIC THE DIRECTOR MAY ESTABLISH HOURS OF
4 OPERATION FOR MOTOR VEHICLE DIVISION OFFICES OTHER THAN THE OFFICE HOURS FOR
5 STATE OFFICES PROVIDED IN SECTION 38-401.

6 Sec. 4. Section 28-216, Arizona Revised Statutes, is amended to read:

7 28-216. Information supplied for commercial purposes; purpose;
8 violation; classification; definition

9 A. Notwithstanding section 28-210 AND IF A PERSON DOES NOT PROHIBIT
10 DISCLOSURE ON FORMS PROVIDED PURSUANT TO SUBSECTION H OF THIS SECTION, the
11 motor vehicle division may:

12 1. Supply information for commercial purposes if the information is
13 transmitted in a machine readable form such as computer magnetic tape to the
14 person making the request. ~~The assistant director for the motor vehicle~~
15 ~~division may~~

16 2. Sell records information, except driver histories and the
17 information contained on the motor vehicle insurance identification card
18 ~~required pursuant to section 28-1256,~~ for commercial purposes.

19 B. From the records information purchased a commercial records
20 requester shall not sell or release a vehicle identification number, plate
21 number, driver license number or ~~a~~ date of birth, except that the assistant
22 director may approve specific purposes for which a records information
23 requester may release the vehicle identification number to a vehicle
24 manufacturer.

25 ~~B.~~ C. The motor vehicle division or a commercial records requester
26 shall not sell or release an individual record or any records information for
27 any commercial purpose based on a request which provides one or more factors
28 unique to a single record, except that the assistant director for the motor
29 vehicle division may approve:

30 1. The sale or release by a records information requester of the
31 information, if the assistant director determines the sale or release is
32 necessary for the public health or safety.

33 2. The use of the information by a records information requester if
34 the director determines that the use is for general research or general
35 statistical purposes which do not provide any specific factors from a record.

36 ~~C.~~ D. The assistant director for the motor vehicle division shall
37 charge a minimum of six hundred dollars per million records searched and a
38 minimum of thirty dollars per thousand records provided, and the assistant
39 director may prorate the charge for fractional quantities searched or
40 provided.

41 ~~D.~~ E. The assistant director for the motor vehicle division shall not
42 provide records for a commercial purpose to any person convicted of a class
43 1 misdemeanor pursuant to subsection ~~C~~ J of this section for a period of
44 five years after conviction.

1 ~~F.~~ F. In providing a record for a commercial purpose, the motor
2 vehicle division shall not disclose the street or residence address of any
3 person who has provided the motor vehicle division with an alternate mailing
4 address for the driver record, the title and registration record or the
5 mobile home record. If no alternate mailing address has been provided to the
6 motor vehicle division, the motor vehicle division shall provide the street
7 or residence address of the person to the commercial requester.

8 ~~F.~~ G. The assistant director for the motor vehicle division may adopt
9 rules that he deems necessary to carry out the purposes of this section.

10 H. THE MOTOR VEHICLE DIVISION SHALL PROVIDE:

11 1. NOTICE ON FORMS FOR ISSUANCE OR RENEWAL OF DRIVER LICENSES,
12 NONOPERATING IDENTIFICATION LICENSES, TITLE AND REGISTRATION THAT INFORMATION
13 COLLECTED BY THE DIVISION MAY BE DISCLOSED TO ANY PERSON REQUESTING
14 INFORMATION FOR ANY COMMERCIAL PURPOSE PURSUANT TO THIS SECTION.

15 2. AN OPPORTUNITY ON FORMS FOR ISSUANCE OR RENEWAL OF DRIVER LICENSES,
16 NONOPERATING IDENTIFICATION LICENSES, TITLE AND REGISTRATION FOR EACH PERSON
17 WHO IS THE SUBJECT OF A RECORD OF THE DIVISION TO PROHIBIT THE DISCLOSURE OF
18 INFORMATION CONTAINED IN THE PERSON'S RECORD TO ANY PERSON REQUESTING
19 INFORMATION FOR ANY COMMERCIAL PURPOSE PURSUANT TO THIS SECTION.

20 I. THE NOTICE AND OPPORTUNITY PRESCRIBED IN SUBSECTION H OF THIS
21 SECTION SHALL BE PROVIDED IN A CLEAR AND CONSPICUOUS MANNER.

22 ~~G.~~ J. A person who commits any one of the following acts with regard
23 to records requested for a commercial purpose is guilty of a class 1
24 misdemeanor:

25 1. Without authorization, knowingly discloses information from any
26 department record.

27 2. Uses any false representation to obtain information from a
28 department record.

29 3. Uses information obtained from a department record for a purpose
30 other than the one stated in the request.

31 4. Sells or makes other distribution of the information obtained from
32 the department to a person or organization for purposes not disclosed in the
33 request.

34 5. Violates any provision of this section.

35 ~~H.~~ K. In this section "commercial purpose" means a purpose which is
36 not illegal and for which the requester can reasonably expect a monetary gain
37 through the contact of persons by mail, through the compiling of statistics
38 or by providing research services. Commercial purpose does not mean the use
39 of a public record as evidence or as a research for evidence in an action in
40 a judicial or quasi-judicial body of this state or a political subdivision
41 of this state.

42 Sec. 5. Section 28-413, Arizona Revised Statutes, is amended to read:

1 28-413. What persons shall not be licensed; collection of civil
2 sanctions; suspension for failure to pay child
3 support

4 A. The department shall not issue a license:

5 1. To a person, for a class D or M license, who is under the age of
6 sixteen years, except that the department may issue a restricted class D
7 license as provided by this chapter to a person who is at least fifteen years
8 of age.

9 2. To a person, for a class D or M license or instruction permit, who
10 is under eighteen years of age and who has been tried in adult court and
11 convicted of a second or subsequent violation of criminal damage to property
12 pursuant to section 13-1602, subsection A, paragraph 1 or convicted of a
13 felony offense in the commission of which a motor vehicle is used, INCLUDING
14 THEFT OF A MOTOR VEHICLE PURSUANT TO SECTION 13-1802 OR UNLAWFUL USE OF MEANS
15 OF TRANSPORTATION PURSUANT TO SECTION 13-1803, or who has been adjudicated
16 delinquent for a second or subsequent ~~violation of an~~ act that would
17 constitute criminal damage to property pursuant to section 13-1602,
18 subsection A, paragraph 1 or adjudicated delinquent for an act that would
19 constitute a felony offense in the commission of which a motor vehicle is
20 used, INCLUDING THEFT OF A MOTOR VEHICLE PURSUANT TO SECTION 13-1802 OR
21 UNLAWFUL USE OF MEANS OF TRANSPORTATION PURSUANT TO SECTION 13-1803, if
22 committed by an adult.

23 3. To a person, for a class A, B or C license, who is under the age
24 of twenty-one years, except that the department may issue a class A, B or C
25 license which is restricted to intrastate driving only to a person who is at
26 least eighteen years of age.

27 4. To a person whose license or driving privilege has been suspended,
28 during such suspension, nor to a person whose license or driving privilege
29 has been revoked, except as provided in section 28-448.

30 5. To a person, for a class A, B or C license, who has been
31 disqualified from obtaining a commercial driver's license.

32 6. To a person who on application notifies the department that he is
33 an alcoholic as defined in section 36-2021 or a drug dependent person as
34 defined in section 36-2501, unless the person successfully completes the
35 medical screening process pursuant to section 28-433 or submits a medical
36 examination report that includes a current evaluation from a certified
37 substance abuse counselor indicating that in the opinion of the counselor,
38 the condition does not affect or impair the person's ability to safely
39 operate a motor vehicle.

40 7. To a person who has previously been adjudged to be incapacitated
41 pursuant to section 14-5304 and who has not at the time of application
42 obtained a termination of incapacity by the methods provided by law.

1 8. To a person who is required by the provisions of this chapter to
2 take an examination, unless the person has successfully passed the
3 examination.

4 9. To a person who is required under the provisions of the motor
5 vehicle financial responsibility laws of this state to deposit proof of
6 financial responsibility and who has not deposited such proof.

7 10. To a person when the department has good cause to believe that the
8 operation of a motor vehicle on the highways by the person would be inimical
9 to public safety or welfare.

10 11. To a person for whom the court has ordered the driver's license
11 suspended pursuant to section 25-320.01.

12 B. The department shall not issue to or renew a driver's license for
13 any person when the department has been notified by a court that the licensee
14 has violated his written promise to appear in court when charged with a
15 violation of the motor vehicle code until the department has received
16 notification in a manner approved by the motor vehicle division that the
17 person has appeared either voluntarily or involuntarily, or the case has been
18 adjudicated, is being appealed or has otherwise been disposed of as provided
19 by law. If notified pursuant to section 28-1080, the department shall not
20 issue a driver's license to or renew the license of any person who has failed
21 to pay a civil sanction as provided in section 28-1080, except a parking
22 violation, until the department receives notification in a manner approved
23 by the motor vehicle division that the person has paid the sanction or the
24 case is being appealed or has otherwise been disposed of as provided by law.
25 The magistrate or the clerk of the court shall provide such notification to
26 the department in all cases affected by this subsection.

27 C. NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT SHALL NOT ISSUE TO
28 OR RENEW A DRIVER'S LICENSE OR NONOPERATING IDENTIFICATION LICENSE FOR A
29 PERSON WHO DOES NOT SUBMIT PROOF SATISFACTORY TO THE DEPARTMENT THAT THE
30 APPLICANT'S PRESENCE IN THE UNITED STATES IS AUTHORIZED UNDER FEDERAL LAW.
31 THE DIRECTOR SHALL ADOPT RULES NECESSARY TO CARRY OUT THE PURPOSES OF THIS
32 SUBSECTION. THE RULES SHALL INCLUDE PROCEDURES FOR:

33 1. VERIFICATION THAT THE APPLICANT'S PRESENCE IN THE UNITED STATES IS
34 AUTHORIZED UNDER FEDERAL LAW.

35 2. ISSUANCE OF A TEMPORARY LICENSE PURSUANT TO SECTION 28-415,
36 SUBSECTION D PENDING VERIFICATION OF THE APPLICANT'S STATUS IN THE UNITED
37 STATES.

38 D. A court or political subdivision of this state may contract
39 with the motor vehicle division to collect unpaid civil sanctions under such
40 terms and conditions as prescribed by the contract.

41 Sec. 6. Section 28-416, Arizona Revised Statutes, is amended to read:
42 28-416. Application for license or instruction permit

43 A. Every application for an instruction permit or for a driver's
44 license shall be made on a form furnished by the department.

1 B. An application fee as prescribed by section 28-205 shall be charged
2 every applicant for a driver's license or for an instruction permit to be
3 issued under the provisions of section 28-415, subsection A, B, C or E.
4 Payment of the fee required by this section entitles the applicant to not
5 more than three attempts to pass the examination within a period of twelve
6 months from the date of the application. The department shall refund an
7 application fee pursuant to section 28-214.

8 C. On application, every applicant shall give the department
9 satisfactory proof of ~~his~~ THE APPLICANT'S full legal name, date of birth, sex
10 and residence address AND THAT THE APPLICANT'S PRESENCE IN THE UNITED STATES
11 IS AUTHORIZED UNDER FEDERAL LAW. The application shall briefly describe the
12 applicant, shall state whether the applicant has been licensed, and if so,
13 the type of license issued, when and by what state or country, and whether
14 any such license has ever been suspended or revoked, or whether an
15 application has ever been refused, and if so, the date of and reason for such
16 suspension, revocation or refusal, or if never licensed, the applicant's last
17 previous state OR COUNTRY of residence, and shall contain any other
18 identifying information required by the department. The application shall
19 also include the name of the state OR COUNTRY in which the principal vehicle
20 the applicant uses is registered and shall include the name of the owner of
21 the vehicle. An applicant may request that a post office box address which
22 is regularly used by the applicant ~~and is located within the county in which~~
23 ~~the applicant resides~~ appear on the driver's license OR PERMIT. The
24 department shall comply with the request.

25 D. In addition to the application requirements provided in subsection
26 C of this section, each application for a class A, B or C driver's license
27 or instruction permit shall state the social security number of the
28 applicant, except if the application is for a nonresident commercial driver's
29 license.

30 E. THE DEPARTMENT MAY ADOPT AND IMPLEMENT PROCEDURES TO DENY A
31 DRIVER'S LICENSE OR INSTRUCTION PERMIT TO A PERSON WHO HAS BEEN DEPORTED.
32 THE DEPARTMENT MAY ADOPT AND IMPLEMENT PROCEDURES TO REINSTATE A PERSON'S
33 PRIVILEGE TO APPLY FOR A DRIVER'S LICENSE OR PERMIT IF THE PERSON'S LEGAL
34 PRESENCE STATUS IS RESTORED.

35 ~~E-~~ F. The department may request an applicant who appears in person
36 for a license, a duplicate license or reinstatement of a driving privilege
37 to complete satisfactorily the vision screening prescribed by the department.

38 Sec. 7. Section 28-421.01, Arizona Revised Statutes, is amended to
39 read:

40 28-421.01. Nonoperating identification licenses

41 A. The department shall issue to every applicant ~~applying therefor~~ WHO
42 APPLIES FOR A NONOPERATING IDENTIFICATION LICENSE AND WHO DOES NOT HAVE A
43 VALID DRIVER'S LICENSE ISSUED BY THIS STATE a nonoperating identification
44 license which shall bear thereon a distinguishing number assigned to the

1 licensee, the full legal name, the date of birth, the residence address and
2 a brief description of the licensee, and either a facsimile of the signature
3 of the licensee or a space upon which the licensee shall write his usual
4 signature with pen and ink. An applicant may request that a post office box
5 address which is regularly used by the applicant ~~and is located within the~~
6 ~~county in which the applicant resides~~ appear on the driver's NONOPERATING
7 IDENTIFICATION license. The department shall comply with the request.

8 B. The license issued pursuant to subsection A shall be used only for
9 identification purposes of the licensee, such license shall grant no
10 authority to operate any motor vehicle within this state, and the license
11 shall be clearly labeled "for identification only, not for operation of a
12 motor vehicle."

13 C. ON ISSUANCE OF A DRIVER'S LICENSE, THE HOLDER OF A NONOPERATING
14 IDENTIFICATION LICENSE SHALL SURRENDER THE NONOPERATING IDENTIFICATION
15 LICENSE TO THE DEPARTMENT AND THE DEPARTMENT SHALL NOT REFUND ANY FEE PAID
16 FOR THE ISSUANCE OF THE NONOPERATING IDENTIFICATION LICENSE.

17 ~~E.~~ D. Every nonoperating identification license shall contain the
18 photograph of the licensee, ~~and the photograph shall be taken in such a~~
19 ~~manner that the exposure will photograph the applicant and the application~~
20 ~~simultaneously.~~ The department shall use such processes in the issuance of
21 the licenses that prohibit as nearly as possible the ability to superimpose
22 a photograph on such license without ready detection. All identification
23 licenses and photo attachments shall be processed in color.

24 ~~D.~~ Every applicant, upon original application for such license, shall
25 ~~supply to the department satisfactory proof of his name and date of birth.~~

26 E. ON APPLICATION, AN APPLICANT SHALL GIVE THE DEPARTMENT SATISFACTORY
27 PROOF OF THE APPLICANT'S FULL LEGAL NAME, DATE OF BIRTH, SEX AND RESIDENCE
28 ADDRESS AND THAT THE APPLICANT'S PRESENCE IN THE UNITED STATES IS AUTHORIZED
29 UNDER FEDERAL LAW. THE APPLICATION SHALL BRIEFLY DESCRIBE THE APPLICANT,
30 STATE WHETHER THE APPLICANT HAS BEEN LICENSED, AND IF SO, THE TYPE OF LICENSE
31 ISSUED, WHEN AND BY WHAT STATE OR COUNTRY AND WHETHER ANY SUCH LICENSE IS
32 UNDER SUSPENSION, REVOCATION OR CANCELLATION. THE APPLICATION SHALL CONTAIN
33 OTHER IDENTIFYING INFORMATION REQUIRED BY THE DEPARTMENT.

34 ~~E.~~ F. Any nonoperating identification license issued by the
35 department shall be solely for the ~~voluntary~~ use and convenience of the
36 applicant for identification purposes. ~~The department does not certify that~~
37 ~~the person in possession of an identification license is the person whose~~
38 ~~name appears on the license. The department and the state of Arizona shall~~
39 ~~be exempt from any and all liability for damages which may arise from the~~
40 ~~acceptance or use of the identification license by the applicant and others.~~

41 ~~F.~~ G. The department shall establish rules and fees pertaining to
42 issuance of an identification license, except that no examination shall be
43 required.

1 H. THE DEPARTMENT MAY ADOPT AND IMPLEMENT PROCEDURES TO DENY A
2 NONOPERATING IDENTIFICATION LICENSE TO A PERSON WHO HAS BEEN DEPORTED. THE
3 DEPARTMENT MAY ADOPT AND IMPLEMENT PROCEDURES TO REINSTATE A PERSON'S
4 PRIVILEGE TO APPLY FOR A NONOPERATING IDENTIFICATION LICENSE IF THE PERSON'S
5 LEGAL PRESENCE STATUS IS RESTORED.

6 ~~G.~~ I. Persons sixty-five years of age or older and persons who are
7 recipients of public monies as disabled individuals under title XVI of the
8 social security act, as amended, are exempt from fees required by this
9 section.

10 ~~H.~~ J. The department shall issue an identification license to a
11 person under the legal drinking age which is marked, by color, code or
12 design, so as to be immediately distinguishable from an identification
13 license issued to a person of legal drinking age. The department shall
14 indicate on the license the year in which the person will attain the legal
15 drinking age.

16 Sec. 8. Section 28-426, Arizona Revised Statutes, is amended to read:
17 28-426. Expiration of license; exception; renewal; extension by
18 mail

19 A. Except as provided in subsection F, H, I or J of this section and
20 except if medical restrictions require a shorter expiration period, every
21 driver's license:

22 1. Is valid until the applicant's sixtieth birthday.

23 2. Is renewable for ~~a period~~ SUCCESSIVE PERIODS of five years after
24 the applicant's sixtieth birthday.

25 3. Expires on the applicant's birthday if the license was issued
26 pursuant to subsection F, H or I of this section.

27 B. Application for renewal shall be made prior to the expiration of
28 a current license.

29 C. The department may require an examination of the applicant as on
30 original application for renewal applicants for a class D or M license.

31 D. The department may administer an examination to an applicant for
32 a renewal of a class A, B or C license. Such examination shall include the
33 following:

34 1. Evidence of compliance with medical standards adopted by the
35 department.

36 2. Administration of knowledge tests as required on original
37 application.

38 ~~3. Administration of a road test if the applicant cannot present an~~
39 ~~employer certification or other evidence of driving a vehicle of a class for~~
40 ~~which a renewal is sought within the last two years. The department may~~
41 ~~require a road test even if an employer certification is presented or other~~
42 ~~evidence of recent driving is presented if the department has reasonable~~
43 ~~concerns about the applicant's ability to exercise ordinary and reasonable~~

1 ~~control of a motor vehicle or vehicle combination for which licensing is~~
2 ~~sought.~~

3 E. A veteran, as defined in section 41-601, whose driver's license
4 expires shall not be required to renew his driver's license for a period of
5 six months from the date of his discharge from military service.

6 F. The department may extend the expiration date of a class D or M
7 license by mail for a resident if the applicant is out of this state at the
8 time the license expires and will be out of this state for a continuous
9 period to last at least thirty days after the expiration of the license. ~~The~~
10 ~~department shall not extend the expiration date of a license for more than~~
11 ~~six months.~~ Upon payment by the applicant of the fee prescribed in section
12 28-205, the department shall issue a certificate of extension which is valid
13 only when accompanied by the applicant's previous license. In addition,
14 applicants for extension of a license by mail shall comply with:

- 15 1. The application requirements of section 28-416.
- 16 2. The licensing requirements of section 28-413.
- 17 3. All medical requirements applicable to all license applicants,
18 except that the applicant is not required to obtain an eyesight examination.

19 G. Upon payment by the applicant of the fee prescribed in section
20 28-205, the department may renew by mail a class D or M license of a spouse
21 or child who is living with a veteran assigned to active duty in the armed
22 forces of the United States outside of this state. Such a license need not
23 contain a photograph of the licensee. The department shall not issue a
24 renewal of a license if the applicant would be denied a license if the
25 applicant were applying for the license while in this state. In addition,
26 applicants for renewal of a license by mail shall comply with:

- 27 1. The application requirements of section 28-416.
- 28 2. The licensing requirements of section 28-413.
- 29 3. All medical requirements applicable to all license applicants.

30 H. Notwithstanding subsection A of this section, the department shall
31 issue to an applicant a driver's license valid for up to five years, six
32 months if the applicant is making application within six months of the
33 applicant's next birthday and if the applicant is fifty-nine or older, except
34 if medical restrictions require a shorter expiration period.

35 I. On presentation of satisfactory proof of qualification, the
36 director may issue a class D or M license for a period of five years to:

- 37 1. A person who is an out-of-state student or the spouse of an
38 out-of-state student. For the purposes of this paragraph, "out-of-state
39 student" has the same meaning prescribed in section 28-102.
- 40 2. An immediate family member of any active duty military personnel
41 temporarily stationed in this state.
- 42 3. Any other person for whom the director determines other
43 circumstances justify the issuance.

1 J. Notwithstanding subsection A of this section, a class A, B or C
2 license is valid for five years and expires on the applicant's birthday.

3 Sec. 9. Section 28-441, Arizona Revised Statutes, is amended to read:
4 28-441. Authority of department to cancel license or permit

5 A. The department may cancel a driver's license or permit upon
6 determining any of the following:

7 1. The licensee was not entitled to the issuance of the license or
8 permit under this chapter.

9 2. The licensee failed to give the required or correct information in
10 his application or committed any fraud in making the application.

11 3. A person who signed an application for a license or permit or who
12 was issued a license or permit files a written request with the department
13 for cancellation of the license or permit that includes all of the following
14 information:

15 (a) The name of the licensee or permittee.

16 (b) The driver's license or permit number.

17 (c) The date of birth of the licensee or permittee or the expiration
18 date of the driver's license or permit.

19 4. The licensee failed to respond to a request by the department to
20 update his license.

21 B. If the department determines that a person under twenty-one years
22 of age has falsely or fraudulently applied for an original or duplicate
23 driver's or identification license or permit by indicating the person's age
24 as twenty-one years of age or older, the department shall cancel any license
25 or permit issued to that person and suspend the person's privilege to operate
26 a motor vehicle for a period of six months for the first offense and one year
27 for the second or subsequent offense from the date of cancellation.

28 C. The department shall by written notice require a licensee to update
29 his photograph or present or mail to the department in a form prescribed by
30 the department a report based on a vision test performed by the department
31 or an examination by an optometrist, or ophthalmologist, or physician
32 licensed to practice medicine, in the event the license has not been updated
33 in the preceding twelve years. The director, in his discretion, may require
34 a licensee to update the license at any time during the twelve year period
35 from the date of issuance.

36 D. Cancellation of a license or permit under this section does not
37 affect any current or pending action against the licensee or permittee.

38 E. IF VOLUNTARILY SURRENDERED OR REQUESTED BY A LICENSEE, THE
39 DEPARTMENT SHALL CANCEL A NONOPERATING IDENTIFICATION LICENSE. A
40 NONOPERATING IDENTIFICATION LICENSE CANCELED PURSUANT TO THIS SUBSECTION IS
41 TERMINATED WITHOUT PREJUDICE AND SHALL BE SURRENDERED TO THE DEPARTMENT.

42 Sec. 10. Section 28-443, Arizona Revised Statutes, is amended to read:

1 28-443. Suspending resident's license for actions outside of
2 state

3 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, the department
4 may suspend or revoke the license OR DRIVING PRIVILEGE of a resident of this
5 state or the privilege of a nonresident to drive a motor vehicle in this
6 state OR MAY REQUIRE THE PERSON TO SUCCESSFULLY COMPLETE APPROVED DRIVER
7 TRAINING AND EDUCATION SESSIONS AS PRESCRIBED IN SECTION 28-446 upon
8 receiving notice of ~~the~~ A conviction of the person in another state, A COURT
9 OF THE UNITED STATES OR A TRIBAL COURT of an offense ~~therein~~ which, if
10 committed in this state, would be grounds for the suspension or revocation
11 of the person's driver's license. SECTION 28-446, SUBSECTION B APPLIES IF
12 A PERSON'S LICENSE OR DRIVING PRIVILEGE IS SUSPENDED OR REVOKED OR IF A
13 PERSON IS REQUIRED TO SUCCESSFULLY COMPLETE APPROVED DRIVER TRAINING AND
14 EDUCATIONAL SESSIONS AS PROVIDED BY THIS SUBSECTION.

15 B. THE DEPARTMENT SHALL REVOKE THE LICENSE OR DRIVING PRIVILEGE OF A
16 RESIDENT OF THIS STATE OR THE PRIVILEGE OF A NONRESIDENT TO DRIVE A MOTOR
17 VEHICLE IN THIS STATE AFTER RECEIVING NOTICE OF A CONVICTION OF THE PERSON
18 IN ANOTHER STATE, A COURT OF THE UNITED STATES OR A TRIBAL COURT AND AFTER
19 DETERMINING THAT THE CONVICTION WAS FOR AN OFFENSE THAT IF COMMITTED IN THIS
20 STATE WOULD BE GROUNDS FOR REVOCATION PURSUANT TO SECTION 28-445 OR CHAPTER
21 6 OF THIS TITLE.

22 ~~B.~~ C. The department may suspend or revoke the license of a resident
23 of this state who fails to comply with the terms of a traffic citation
24 lawfully issued in any jurisdiction outside this state pursuant to the
25 nonresident violator compact adopted by chapter 10, article 2 of this title.

26 ~~C. For the purposes of this section the department may accept~~
27 ~~convictions that are reported by a court of the United States government or~~
28 ~~an Indian tribe.~~

29 Sec. 11. Section 28-444, Arizona Revised Statutes, is amended to read:

30 28-444. Reporting of convictions; definition; termination of
31 suspension

32 A. When a person is convicted of an offense or there is a judgment
33 entered against the person for which this chapter makes mandatory the
34 revocation of the driver's license of the person by the department, the court
35 in which the conviction or judgment is had shall require the surrender to it
36 of all driver's licenses then held by the person so convicted or adjudged,
37 and the court shall invalidate or destroy the driver's license and forward
38 a record of the conviction or judgment to the department.

39 B. Every court having jurisdiction over offenses or civil traffic
40 violations committed under this chapter, or any other law of this state or
41 municipal ordinance regulating the operation of motor vehicles on highways,
42 shall forward to the department a record of the conviction of or judgment
43 against a person in the court for a violation of any laws other than

1 regulations governing standing or parking, and may recommend the suspension
2 of the driver's license of the person.

3 C. For the purposes of this chapter, "conviction" or "judgment" means
4 a final conviction or judgment. An order of a juvenile court finding that
5 a juvenile has violated the provisions of this title or has committed a
6 delinquent act which if committed by an adult would constitute criminal
7 damage to property pursuant to section 13-1602, subsection A, paragraph 1 or
8 a felony offense in the commission of which a motor vehicle was used,
9 INCLUDING THEFT OF A MOTOR VEHICLE PURSUANT TO SECTION 13-1802 OR UNLAWFUL
10 USE OF MEANS OF TRANSPORTATION PURSUANT TO SECTION 13-1803, or a forfeiture
11 of bail or collateral deposited to secure a defendant's appearance in court,
12 which forfeiture has not been vacated, is equivalent to a conviction.

13 D. For the purposes of this chapter, "judgment" means any of the
14 following:

15 1. The finding by a court that an individual is responsible for a
16 civil traffic violation.

17 2. An individual's admission of responsibility for a civil traffic
18 violation.

19 3. The voluntary or involuntary forfeiture of deposit in connection
20 with a civil traffic violation.

21 4. A default judgment entered by a court pursuant to section 28-1076.

22 E. If a court declares the entire civil sanction due as provided in
23 section 28-1080, the court shall immediately notify the department.
24 Immediately after payment of the sanction the court shall provide
25 notification by a method approved by the motor vehicle division of full
26 satisfaction of the civil sanction, and the department shall, upon payment
27 of a reinstatement fee as provided in section 28-205, terminate the
28 suspension if no other grounds for suspension then exist.

29 Sec. 12. Section 28-445, Arizona Revised Statutes, is amended to read:

30 28-445. Mandatory revocation or suspension of license by
31 department; notice

32 A. The department shall, in addition to the grounds for mandatory
33 revocation provided for in the uniform act regulating traffic on highways,
34 immediately revoke the license of a driver upon receiving a record of the
35 driver's conviction of any of the following offenses, when the conviction has
36 become final:

37 1. Any homicide or aggravated assault resulting from the operation of
38 a motor vehicle.

39 2. Driving a motor vehicle while under the influence of any drug
40 defined in section 13-3401 or in violation of section 28-692, subsection A,
41 paragraph 3.

42 3. Any felony in the commission of which a motor vehicle is used,
43 INCLUDING THEFT OF A MOTOR VEHICLE PURSUANT TO SECTION 13-1802 OR UNLAWFUL
44 USE OF MEANS OF TRANSPORTATION PURSUANT TO SECTION 13-1803.

1 4. Drive by shooting pursuant to section 13-1209.

2 5. Failure to stop and render aid as required under the laws of this
3 state in the event of a motor vehicle accident resulting in the death or
4 personal injury of another.

5 6. Perjury or the making of a false affidavit or statement under oath
6 to the department under this chapter or under any other law relating to the
7 ownership or operation of motor vehicles.

8 7. Conviction, or forfeiture of bail not vacated, upon a second or
9 subsequent charge of reckless driving, racing on highways, or any combination
10 of a violation of section 28-692 and reckless driving or of a violation of
11 section 28-692 and racing on highways or of reckless driving and racing on
12 highways not arising out of the same event, committed within a period of
13 sixty months.

14 8. Conviction, or forfeiture of bail not vacated, upon a second charge
15 of violating section 28-692, within a period of sixty months.

16 9. Conviction, or forfeiture of bail not vacated, upon a third or
17 subsequent charge of violating section 28-692, within a period of sixty
18 months.

19 10. CONVICTION, OR FORFEITURE OF BAIL NOT VACATED, ON A CHARGE OF
20 VIOLATING SECTION 28-692 AND THE DRIVER HAS BEEN CONVICTED WITHIN A PERIOD
21 OF SIXTY MONTHS OF AN OFFENSE IN ANOTHER STATE, A COURT OF THE UNITED STATES
22 OR A TRIBAL COURT THAT IF COMMITTED IN THIS STATE WOULD BE A VIOLATION OF
23 SECTION 28-692.

24 B. IN DETERMINING THE STARTING DATE FOR THE SIXTY MONTH PERIOD
25 PRESCRIBED IN SUBSECTION A, PARAGRAPHS 7 THROUGH 10 OF THIS SECTION, THE
26 DEPARTMENT SHALL USE THE DATE OF THE COMMISSION OF THE OFFENSE.

27 ~~B.~~ C. For a person who is under the age of eighteen, in addition to
28 the grounds for mandatory revocation provided for in the uniform act
29 regulating traffic on highways, the department shall immediately revoke the
30 driver license or privilege to drive of a person upon receiving a record of
31 the person's conviction of a second or subsequent violation of criminal
32 damage to property pursuant to section 13-1602, subsection A, paragraph 1 OR
33 A CONVICTION OF A VIOLATION OF THEFT OF A MOTOR VEHICLE PURSUANT TO SECTION
34 13-1802 OR UNLAWFUL USE OF MEANS OF TRANSPORTATION PURSUANT TO SECTION
35 13-1803 or adjudication of delinquency for a second or subsequent ~~violation~~
36 ~~of an act~~ that would constitute criminal damage to property pursuant to
37 section 13-1602, subsection A, paragraph 1 OR ADJUDICATION OF DELINQUENCY FOR
38 AN ACT THAT WOULD CONSTITUTE THEFT OF A MOTOR VEHICLE PURSUANT TO SECTION
39 13-1802 OR UNLAWFUL USE OF MEANS OF TRANSPORTATION PURSUANT TO SECTION
40 13-1803, if committed by an adult.

41 ~~C.~~ D. Compliance with the mailing provisions of section 28-453
42 constitutes notice of the revocation for purposes of prosecution under
43 section 28-473 or 28-697. The state is not required to prove actual receipt
44 of the notice or actual knowledge of the revocation.

1 Sec. 13. Section 28-448, Arizona Revised Statutes, is amended to read:
2 28-448. Period of suspension, revocation or disqualification:
3 unlicensed drivers

4 A. The department shall not suspend, revoke or disqualify a driver's
5 license or privilege to drive a motor vehicle on the public highways for a
6 period of more than one year from the date of a conviction or judgment, if
7 any, against a person for which this chapter makes the revocation, suspension
8 or disqualification mandatory or from the date the notice was sent pursuant
9 to section 28-453 if no conviction was involved, except as permitted under
10 subsections C and D of this section and sections 28-454, 28-455, 28-473 and
11 28-697.

12 B. A person whose license or privilege to drive a motor vehicle on the
13 public highways has been revoked may apply for a new license as provided by
14 law after the cause of the revocation is removed or after expiration of the
15 revocation period prescribed by law. ~~, but the department shall not then
16 issue a new license unless it is satisfied after investigation of the
17 character, habits and driving ability of the person that it will be safe to
18 grant the privilege of driving a motor vehicle on the public highways, except
19 that the department is not required to conduct an investigation of a person
20 applying for a new license after the expiration of the person's revocation
21 period for a violation of section 13-1209 or section 13-1602, subsection A,
22 paragraph 1.~~ AFTER THE DEPARTMENT INVESTIGATES AN APPLICANT'S DRIVING RECORD
23 IN THIS STATE TO DETERMINE THAT ALL WITHDRAWAL ACTIONS ARE COMPLETE, THAT THE
24 APPLICANT HAS NOT COMMITTED ANY TRAFFIC VIOLATIONS WITHIN TWELVE MONTHS
25 PRECEDING APPLICATION AND THAT ALL OTHER STATUTORY REQUIREMENTS ARE
26 SATISFIED, THE DEPARTMENT MAY ISSUE A NEW LICENSE. If the revocation is
27 related to alcohol or other drugs, the person shall provide the department
28 with a current evaluation from a physician licensed pursuant to title 32,
29 chapter 13, 17 or 29, a psychologist licensed pursuant to title 32, chapter
30 19.1 or A certified substance abuse counselor as defined in section 28-429
31 indicating that, in the opinion of the physician, psychologist or counselor,
32 the condition does not affect or impair the person's ability to safely
33 operate a motor vehicle. FOR THE PURPOSES OF REINSTATING A LICENSE OR
34 DRIVING PRIVILEGE PURSUANT TO THIS ARTICLE, THE DEPARTMENT MAY RELY ON THE
35 OPINION OF A PHYSICIAN LICENSED PURSUANT TO TITLE 32, CHAPTER 13, 17 OR 29,
36 A PSYCHOLOGIST LICENSED PURSUANT TO TITLE 32, CHAPTER 19.1 OR A CERTIFIED
37 SUBSTANCE ABUSE COUNSELOR AS DEFINED IN SECTION 28-429.

38 C. Notwithstanding subsections A and B of this section, a person whose
39 license or privilege to drive has been revoked:

40 1. Pursuant to section 28-445, subsection A, paragraph 1 or ~~10~~ 9 or
41 section 28-697, subsection D is not entitled to have his license or privilege
42 renewed or restored for a period of three years.

1 2. Pursuant to section 13-1209 is not entitled to have the person's
2 license or privilege renewed or restored for the period of time ordered by
3 the court.

4 D. Notwithstanding subsections A and B of this section, a person who
5 is under eighteen years of age and whose license or privilege to drive has
6 been revoked pursuant to section 28-445, subsection A, paragraph 3 is not
7 entitled to have the person's license or privilege renewed or restored for
8 a period of one year or until the person reaches eighteen years of age,
9 whichever is later.

10 E. If an unlicensed driver commits an offense for which a driver's
11 license could or would be suspended, revoked or disqualified, the department
12 shall not accept his application for a driver's license for a period equal
13 to a period of time applicable to that which would apply to a driver with a
14 license, except as provided in section 28-473. If the offense is one for
15 which a driver's license could or would be revoked, the department shall not
16 accept his application for a driver's license unless it is satisfied after
17 investigation of the character, habits and driving ability of the person that
18 it will be safe to grant the privilege of driving a motor vehicle on the
19 public highways.

20 F. The expiration of a person's license during the period of time it
21 is under suspension, revocation or disqualification does not render the
22 suspension, revocation or disqualification invalid and does not result in a
23 termination of the suspension, revocation or disqualification.

24 G. A person whose license or privilege to drive a motor vehicle on the
25 public highways has been suspended pursuant to section 28-446, subsection A,
26 paragraph 5 or section 28-447 may apply for a new license as provided by law
27 after the cause for suspension is removed or after expiration of the
28 suspension period prescribed by law if both of the following conditions are
29 met:

30 1. The department is satisfied, after reviewing the medical condition
31 and driving ability of the person, that it is safe to grant the person the
32 privilege of driving a motor vehicle on the public highways.

33 2. If the person has a medical condition related to alcohol or other
34 drugs, the person provides the department with a current evaluation form from
35 a physician licensed pursuant to title 32, chapter 13, 17 or 29, a
36 psychologist licensed pursuant to title 32, chapter 19.1 or A certified
37 substance abuse counselor as defined in section 28-429 indicating that, in
38 the opinion of the physician, psychologist or counselor, the condition does
39 not affect or impair the person's ability to operate a motor vehicle in a
40 safe manner.

41 Sec. 14. Section 28-471, Arizona Revised Statutes, is amended to read:

42 28-471. Unlawful use of license; classification

43 It is a class 2 misdemeanor for any person:

