

State of Arizona
House of Representatives
Forty-second Legislature
Second Regular Session
1996

FILED

**Jane Dee Hull
Secretary of State**

CHAPTER 269

HOUSE BILL 2272

AN ACT

AMENDING SECTIONS 28-426 AND 28-455, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 19, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2416; RELATING TO COMMERCIAL DRIVERS.

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

2 Section 1. Section 28-426, Arizona Revised Statutes, is amended to
3 read:

4 28-426. Expiration of license; exception; renewal; extension by
5 mail

6 A. Except as provided in subsection F, H, ~~OR I~~ of this section
7 and except if medical restrictions require a shorter expiration period, every
8 driver's license:

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

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

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

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

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

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

21 1. Evidence of compliance with medical standards adopted by the
22 department.

1 2. Administration of knowledge tests as required on original
2 application.

3 3. Administration of a road test if the applicant cannot present an
4 employer certification or other evidence of driving a vehicle of a class for
5 which a renewal is sought within the last two years. The department may
6 require a road test even if an employer certification is presented or other
7 evidence of recent driving is presented if the department has reasonable
8 concerns about the applicant's ability to exercise ordinary and reasonable
9 control of a motor vehicle or vehicle combination for which licensing is
10 sought.

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

14 F. The department may extend the expiration date of a class D or M
15 license by mail for a resident if the applicant is out of this state at the
16 time the license expires and will be out of this state for a continuous
17 period to last at least thirty days after the expiration of the license. The
18 department shall not extend the expiration date of a license for more than
19 six months. Upon payment by the applicant of the fee prescribed in section
20 28-205, the department shall issue a certificate of extension which is valid
21 only when accompanied by the applicant's previous license. In addition,
22 applicants for extension of a license by mail shall comply with:

23 1. The application requirements of section 28-416.

24 2. The licensing requirements of section 28-413.

25 3. All medical requirements applicable to all license applicants,
26 except that the applicant is not required to obtain an eyesight examination.

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

35 1. The application requirements of section 28-416.

36 2. The licensing requirements of section 28-413.

37 3. All medical requirements applicable to all license applicants.

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

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

1 1. A person who is an out-of-state student or the spouse of an
2 out-of-state student. For the purposes of this paragraph, "out-of-state
3 student" has the same meaning prescribed in section 28-102.

4 2. An immediate family member of any active duty military personnel
5 temporarily stationed in this state.

6 3. Any other person for whom the director determines other
7 circumstances justify the issuance.

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

10 Sec. 2. Section 28-455, Arizona Revised Statutes, is amended to read:

11 28-455. Mandatory disqualification of commercial driver's
12 license by department; definition

13 A. The department shall disqualify a person from driving a commercial
14 motor vehicle for a period of not less than one year from the date of
15 conviction if the person is convicted of a first violation of:

16 1. Driving a commercial motor vehicle under the influence of alcohol
17 or a controlled substance.

18 2. Leaving the scene of an accident involving a commercial motor
19 vehicle driven by the person.

20 3. Using a commercial motor vehicle in the commission of any felony.

21 B. If any of the violations in subsection A occurred while the person
22 was transporting a hazardous material in the quantity and under the
23 circumstances as to require placarding of the transport vehicle required by
24 the department's safety rules prescribed pursuant to chapter 19, article 1
25 of this title, the disqualification is for a period of not less than three
26 years.

27 C. Except as provided in subsection D of this section, a person is
28 disqualified for life if he is convicted of two or more violations of any of
29 the offenses prescribed in subsection A of this section or any combination
30 of those offenses arising from two or more separate incidents. Only offenses
31 committed from and after December 31, 1989 may be considered in applying this
32 subsection.

33 D. The department may adopt rules establishing guidelines, including
34 conditions, under which a disqualification for life under subsection C may
35 be reduced to a period of not less than ten years.

36 E. A person is disqualified from driving a commercial motor vehicle
37 for life who uses a commercial motor vehicle in the commission of any felony
38 involving the manufacture, distribution or dispensing of a controlled
39 substance, or possession with intent to manufacture, distribute or dispense
40 a controlled substance.

41 F. A person is disqualified from driving a commercial motor vehicle
42 for a period of not less than sixty consecutive days if he is convicted of
43 two serious traffic violations committed in a commercial motor vehicle

1 arising from separate incidents occurring within a three year period from the
2 date of conviction.

3 G. A person is disqualified from driving a commercial motor vehicle
4 for a period of not less than one hundred twenty consecutive days if he is
5 convicted of three serious traffic violations committed in a commercial motor
6 vehicle arising from separate incidents occurring within a three year period
7 from the date of conviction.

8 H. EXCEPT AS PROVIDED IN SUBSECTION I OF THIS SECTION, A PERSON WHO
9 IS FOUND RESPONSIBLE FOR VIOLATING AN OUT-OF-SERVICE ORDER PURSUANT TO
10 SECTION 28-2416 IS DISQUALIFIED FROM DRIVING A COMMERCIAL VEHICLE AS FOLLOWS:

11 1. FOR A PERIOD OF NINETY DAYS IF THE PERSON IS FOUND RESPONSIBLE FOR
12 A FIRST VIOLATION OF AN OUT-OF-SERVICE ORDER.

13 2. FOR A PERIOD OF ONE YEAR IF THE PERSON IS FOUND RESPONSIBLE FOR A
14 SECOND VIOLATION OF AN OUT-OF-SERVICE ORDER DURING ANY TEN YEAR PERIOD
15 ARISING FROM SEPARATE INCIDENTS.

16 3. FOR A PERIOD OF THREE YEARS IF THE PERSON IS FOUND RESPONSIBLE FOR
17 A THIRD OR SUBSEQUENT VIOLATION OF AN OUT-OF-SERVICE ORDER DURING ANY TEN
18 YEAR PERIOD ARISING FROM SEPARATE INCIDENTS.

19 I. A PERSON WHO IS FOUND RESPONSIBLE FOR VIOLATING AN OUT-OF-SERVICE
20 ORDER PURSUANT TO SECTION 28-2416 WHILE TRANSPORTING HAZARDOUS MATERIALS OR
21 WHILE OPERATING A COMMERCIAL MOTOR VEHICLE DESIGNED OR USED TO TRANSPORT
22 FIFTEEN OR MORE PASSENGERS, INCLUDING THE DRIVER, IS DISQUALIFIED FROM
23 DRIVING A COMMERCIAL MOTOR VEHICLE AS FOLLOWS:

24 1. FOR A PERIOD OF ONE HUNDRED EIGHTY DAYS IF THE PERSON IS FOUND
25 RESPONSIBLE FOR A FIRST VIOLATION OF AN OUT-OF-SERVICE ORDER.

26 2. FOR A PERIOD OF TWO YEARS IF THE PERSON IS FOUND RESPONSIBLE FOR
27 A SECOND OR SUBSEQUENT VIOLATION OF AN OUT-OF-SERVICE ORDER DURING ANY TEN
28 YEAR PERIOD ARISING FROM SEPARATE INCIDENTS.

29 ~~H~~ J. Within ten days after suspension, revocation, cancellation or
30 disqualification of a commercial driver's license for a period of sixty days
31 or more, the state shall update its records to reflect the action and shall
32 notify the commercial drivers license information system of the action taken.
33 On suspension, revocation, cancellation or disqualification of a commercial
34 driver's license issued by another state or a nonresident commercial driver's
35 license, the state shall also notify, within ten days, the state licensing
36 authority which issued the license of the action taken.

37 ~~I~~ K. For purposes of this section, "serious traffic violation" means
38 a conviction for any of the following:

39 1. Excessive speeding involving any single offense for any speed of
40 fifteen miles per hour or more above the posted speed limit.

41 2. Reckless driving, as provided by section 28-693.

42 3. Racing, as defined in section 28-708.

43 4. Following the vehicle ahead too closely, as provided by section
44 28-730.

1 5. Improper or erratic traffic lane changes as provided by section
2 28-729.

3 6. Any violation of this title arising in connection with a fatal
4 traffic accident.

5 Sec. 3. Title 28, chapter 19, article 1, Arizona Revised Statutes, is
6 amended by adding section 28-2416, to read:

7 28-2416. Out-of-service orders; violation; civil penalty;
8 definition

9 A. A MOTOR CARRIER SHALL NOT REQUIRE OR PERMIT A DRIVER:

10 1. TO OPERATE A COMMERCIAL MOTOR VEHICLE THAT IS SUBJECT TO AN
11 OUT-OF-SERVICE ORDER UNTIL ALL REPAIRS REQUIRED BY THE OUT-OF-SERVICE ORDER
12 HAVE BEEN SATISFACTORILY COMPLETED.

13 2. WHO IS SUBJECT TO AN OUT-OF-SERVICE ORDER TO OPERATE A COMMERCIAL
14 MOTOR VEHICLE UNTIL THE REASON FOR THE OUT-OF-SERVICE ORDER HAS BEEN
15 REMEDIED.

16 B. A DRIVER:

17 1. SHALL NOT OPERATE A COMMERCIAL MOTOR VEHICLE THAT IS SUBJECT TO AN
18 OUT-OF-SERVICE ORDER UNTIL ALL REPAIRS REQUIRED BY THE OUT-OF-SERVICE ORDER
19 HAVE BEEN SATISFACTORILY COMPLETED.

20 2. WHO IS SUBJECT TO AN OUT-OF-SERVICE ORDER SHALL NOT OPERATE A
21 COMMERCIAL MOTOR VEHICLE UNTIL THE REASON FOR THE OUT-OF-SERVICE ORDER HAS
22 BEEN REMEDIED.

23 C. NOTWITHSTANDING SECTION 28-2408, A VIOLATION OF THIS SECTION IS A
24 CIVIL TRAFFIC VIOLATION.

25 D. NOTWITHSTANDING SECTION 28-1076, SUBSECTION E, THE COURT SHALL
26 IMPOSE:

27 1. A CIVIL SANCTION OF AT LEAST ONE THOUSAND DOLLARS ON A DRIVER WHO
28 VIOLATES OR FAILS TO COMPLY WITH AN OUT-OF-SERVICE ORDER.

29 2. A CIVIL SANCTION OF AT LEAST TWO THOUSAND FIVE HUNDRED DOLLARS AND
30 NOT MORE THAN TEN THOUSAND DOLLARS ON A MOTOR CARRIER WHO VIOLATES AN
31 OUT-OF-SERVICE ORDER OR WHO REQUIRES OR PERMITS A DRIVER TO VIOLATE OR FAIL
32 TO COMPLY WITH AN OUT-OF-SERVICE ORDER.

33 E. IN ADDITION TO OTHER PENALTIES PRESCRIBED BY THIS CHAPTER, IF A
34 MOTOR CARRIER OR DRIVER IS FOUND RESPONSIBLE FOR A VIOLATION OF THIS SECTION,
35 THE MOTOR CARRIER OR DRIVER IS SUBJECT TO DISQUALIFICATION PURSUANT TO
36 SECTION 28-455.

37 F. FOR THE PURPOSES OF THIS SECTION, "OUT-OF-SERVICE ORDER" MEANS A
38 DECLARATION BY A SPECIALTY OFFICER OF THE DEPARTMENT OR A LAW ENFORCEMENT
39 OFFICER AUTHORIZED PURSUANT TO SECTION 28-2402 THAT A DRIVER, MOTOR VEHICLE
40 OR MOTOR CARRIER IS OUT OF SERVICE PURSUANT TO THIS CHAPTER.

~~APPROVED BY THE GOVERNOR APRIL 23, 1996~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 1996~~