

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 297

HOUSE BILL 2208

AN ACT

AMENDING SECTION 28-672, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-675 AND 28-676; PROVIDING FOR DELAYED REPEAL OF SECTIONS 28-672, 28-675 AND 28-676, ARIZONA REVISED STATUTES; RELATING TO MOTOR VEHICLE ACCIDENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-672, Arizona Revised Statutes, is amended to
3 read:

4 28-672. Causing serious physical injury or death by a moving
5 violation; classification; penalties

6 A. A person is ~~responsible for a civil traffic violation~~ GUILTY OF
7 CAUSING SERIOUS PHYSICAL INJURY OR DEATH BY A MOVING VIOLATION if the person
8 violates any one of the following and the violation results in an accident
9 causing serious physical injury as defined in section 13-105 OR DEATH to
10 another person:

- 11 1. Section 28-645, subsection A, paragraph 3, subdivision (a).
- 12 2. Section 28-772.
- 13 3. Section 28-792.
- 14 4. Section 28-794.
- 15 5. Section 28-797, subsection E or G.
- 16 6. Section 28-855, subsection B.

17 B. A person who violates ~~subsection A of this section is subject to a~~
18 ~~civil penalty of up to five hundred dollars, the person shall attend and~~
19 ~~successfully complete traffic survival school training and educational~~
20 ~~sessions that are designed to improve the safety and habits of drivers and~~
21 ~~that are approved by the department and the court shall report the judgment~~
22 ~~to the department and may direct the department to suspend the person's~~
23 ~~driving privilege for ninety days. In addition, the court may order the~~
24 person to perform community restitution.

25 C. ~~A person is responsible for a civil traffic violation if the person~~
26 ~~violates any one of the following and the violation results in an accident~~
27 ~~causing death to another person:~~

- 28 1. ~~Section 28-645, subsection A, paragraph 3, subdivision (a).~~
- 29 2. ~~Section 28-772.~~
- 30 3. ~~Section 28-792.~~
- 31 4. ~~Section 28-794.~~
- 32 5. ~~Section 28-797, subsection E or G.~~
- 33 6. ~~Section 28-855, subsection B.~~

34 D. A person who violates ~~subsection C of this section shall pay a~~
35 ~~civil penalty of one thousand dollars, the person shall attend and~~
36 ~~successfully complete traffic survival school training and educational~~
37 ~~sessions that are designed to improve the safety and habits of drivers and~~
38 ~~that are approved by the department and the court shall report the judgment~~
39 ~~to the department and may direct the department to suspend the person's~~
40 ~~driving privilege for one hundred eighty days. In addition, the court may~~
41 order the person to perform community restitution.

1 C. THE COURT SHALL REPORT A CONVICTION FOR A VIOLATION OF THIS SECTION
2 TO THE DEPARTMENT AND MAY DIRECT THE DEPARTMENT TO SUSPEND THE PERSON'S
3 DRIVING PRIVILEGE FOR NOT MORE THAN NINETY DAYS IF THE VIOLATION RESULTS IN
4 SERIOUS PHYSICAL INJURY AS DEFINED IN SECTION 13-105 AND NOT MORE THAN ONE
5 HUNDRED EIGHTY DAYS IF THE VIOLATION RESULTS IN DEATH.

6 ~~E.~~ D. If a person's driving privilege is suspended pursuant to any
7 other statute because of an incident involving a violation of ~~subsection A or~~
8 ~~C~~ of this section, the suspension period prescribed in ~~subsection B or D~~ C of
9 this section shall run concurrently with the other suspension period.

10 ~~F.~~ E. If a person fails to successfully complete traffic survival
11 school training and educational sessions or perform community restitution
12 pursuant to ~~subsection B or D~~ of this section, the court shall notify the
13 department and the department shall promptly suspend the driver license or
14 permit of the driver or the privilege of a nonresident to drive a motor
15 vehicle in this state until the order is satisfied.

16 F. IF THE PERSON WHO SUFFERS SERIOUS PHYSICAL INJURY AS A RESULT OF A
17 VIOLATION OF THIS SECTION APPEARS BEFORE THE COURT IN WHICH THE ACTION IS
18 PENDING AT ANY TIME BEFORE TRIAL AND ACKNOWLEDGES RECEIPT OF SATISFACTION FOR
19 THE INJURY, ON PAYMENT OF THE COSTS INCURRED, THE COURT SHALL ORDER THAT THE
20 PROSECUTION BE DISMISSED AND THE DEFENDANT BE DISCHARGED. THE REASONS FOR
21 THE ORDER SHALL BE SET FORTH AND ENTERED OF RECORD, AND THE ORDER SHALL BE A
22 BAR TO ANOTHER PROSECUTION FOR THE SAME OFFENSE.

23 G. RESTITUTION AWARDED PURSUANT TO SECTION 13-603 AS A RESULT OF A
24 VIOLATION OF THIS SECTION SHALL NOT EXCEED TEN THOUSAND DOLLARS.

25 H. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 3
26 MISDEMEANOR, EXCEPT THAT IF THE VIOLATION RESULTS IN THE DEATH OF ANOTHER
27 PERSON THE MAXIMUM FINE FOR THE PERSON SHALL BE ONE THOUSAND DOLLARS.

28 Sec. 2. Title 28, chapter 3, article 4, Arizona Revised Statutes, is
29 amended by adding sections 28-675 and 28-676, to read:

30 28-675. Causing death by use of a vehicle; classification

31 A. A PERSON IS GUILTY OF CAUSING DEATH BY USE OF A VEHICLE IF ALL OF
32 THE FOLLOWING APPLY:

33 1. THE PERSON IS NOT ALLOWED TO OPERATE A MOTOR VEHICLE PURSUANT TO
34 SUBSECTION B OF THIS SECTION.

35 2. WHILE OPERATING A MOTOR VEHICLE, THE PERSON CAUSES THE DEATH OF
36 ANOTHER PERSON.

37 3. THE PERSON COMMITS A VIOLATION OF ANY OF THE FOLLOWING:

38 (a) SECTION 28-645, SUBSECTION A, PARAGRAPH 3, SUBDIVISION (a).

39 (b) SECTION 28-772.

40 (c) SECTION 28-792.

41 (d) SECTION 28-794.

42 (e) SECTION 28-797, SUBSECTION E OR G.

43 (f) SECTION 28-855, SUBSECTION B.

44 B. FOR THE PURPOSES OF THIS SECTION, A PERSON SHALL NOT OPERATE A
45 MOTOR VEHICLE IF ANY OF THE FOLLOWING APPLIES:

- 1 1. THE PERSON'S DRIVING PRIVILEGE IS REVOKED FOR ANY REASON.
- 2 2. THE PERSON'S DRIVING PRIVILEGE IS SUSPENDED FOR ANY REASON PURSUANT
- 3 TO CHAPTER 4, ARTICLE 3 OF THIS TITLE.
- 4 3. THE PERSON'S DRIVING PRIVILEGE IS SUSPENDED PURSUANT TO SECTION
- 5 28-1321.
- 6 4. THE PERSON'S DRIVING PRIVILEGE IS SUSPENDED PURSUANT TO THE
- 7 DEPARTMENT'S ACTION BASED ON A PREVIOUS CONVICTION FOR A VIOLATION OF SECTION
- 8 28-3473.
- 9 5. THE PERSON'S DRIVING PRIVILEGE IS SUSPENDED PURSUANT TO SECTION
- 10 28-3306, SUBSECTION A, PARAGRAPH 3.
- 11 6. THE PERSON DOES ONE OF THE FOLLOWING TO OBTAIN A DRIVER LICENSE:
- 12 (a) KNOWINGLY USES A FALSE OR FICTITIOUS NAME.
- 13 (b) KNOWINGLY MAKES A FALSE STATEMENT.
- 14 (c) KNOWINGLY CONCEALS A MATERIAL FACT.
- 15 (d) COMMITS FRAUD.
- 16 (e) VIOLATES SECTION 28-3479.
- 17 C. CAUSING DEATH BY USE OF A VEHICLE IS A CLASS 4 FELONY.
- 18 28-676. Causing serious physical injury by use of a vehicle:
- 19 classification
- 20 A. A PERSON IS GUILTY OF CAUSING SERIOUS PHYSICAL INJURY BY USE OF A
- 21 VEHICLE IF ALL OF THE FOLLOWING APPLY:
- 22 1. THE PERSON IS NOT ALLOWED TO OPERATE A MOTOR VEHICLE PURSUANT TO
- 23 SUBSECTION B OF THIS SECTION.
- 24 2. WHILE OPERATING A MOTOR VEHICLE, THE PERSON CAUSES SERIOUS PHYSICAL
- 25 INJURY, AS DEFINED IN SECTION 13-105, TO ANOTHER PERSON.
- 26 3. THE PERSON COMMITS A VIOLATION OF ANY OF THE FOLLOWING:
- 27 (a) SECTION 28-645, SUBSECTION A, PARAGRAPH 3, SUBDIVISION (a).
- 28 (b) SECTION 28-772.
- 29 (c) SECTION 28-792.
- 30 (d) SECTION 28-794.
- 31 (e) SECTION 28-797, SUBSECTION E OR G.
- 32 (f) SECTION 28-855, SUBSECTION B.
- 33 B. FOR THE PURPOSES OF THIS SECTION, A PERSON SHALL NOT OPERATE A
- 34 MOTOR VEHICLE IF ANY OF THE FOLLOWING APPLIES:
- 35 1. THE PERSON'S DRIVING PRIVILEGE IS REVOKED FOR ANY REASON.
- 36 2. THE PERSON'S DRIVING PRIVILEGE IS SUSPENDED FOR ANY REASON PURSUANT
- 37 TO CHAPTER 4, ARTICLE 3 OF THIS TITLE.
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- 41 DEPARTMENT'S ACTION BASED ON A PREVIOUS CONVICTION FOR A VIOLATION OF SECTION
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- 44 28-3306, SUBSECTION A, PARAGRAPH 3.
- 45 6. THE PERSON DOES ONE OF THE FOLLOWING TO OBTAIN A DRIVER LICENSE:

- 1 (a) KNOWINGLY USES A FALSE OR FICTITIOUS NAME.
- 2 (b) KNOWINGLY MAKES A FALSE STATEMENT.
- 3 (c) KNOWINGLY CONCEALS A MATERIAL FACT.
- 4 (d) COMMITS FRAUD.
- 5 (e) VIOLATES SECTION 28-3479.
- 6 C. CAUSING SERIOUS PHYSICAL INJURY BY USE OF A VEHICLE IS A CLASS 5
- 7 FELONY.

8 Sec. 3. Delayed repeal

9 A. Section 28-672, Arizona Revised Statutes, as amended by this act,
10 is repealed from and after December 31, 2011.

11 B. Sections 28-675 and 28-676, Arizona Revised Statutes, as added by
12 this act, are repealed from and after December 31, 2011.

APPROVED BY THE GOVERNOR MAY 25, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 26, 2006.