Senate Engrossed House Bill

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 206

HOUSE BILL 2033

AN ACT

AMENDING SECTIONS 28-3153, 28-3154, 28-3156, 28-3174 AND 28-3321, ARIZONA REVISED STATUTES; RELATING TO DRIVER LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 28-3153, Arizona Revised Statutes, is amended to read:

28-3153. Driver license issuance; prohibitions

A. The department shall not issue the following:

1. A driver license to a person who is under eighteen years of age, except that the department may issue:

(a) A restricted instruction permit for a class D or G license to a person who is at least fifteen years of age.

(b) An instruction permit for a class D, G or M license as provided by this chapter to a person who is at least fifteen years and ~~seven~~ SIX months of age.

(c) A class G or M license as provided by this chapter to a person who is at least sixteen years of age.

2. A class D, G or M license or instruction permit to a person who is under eighteen years of age and who has been tried in adult court and convicted of a second or subsequent violation of criminal damage to property pursuant to section 13-1602, subsection A, paragraph 1 or convicted of a felony offense in the commission of which a motor vehicle is used, including theft of a motor vehicle pursuant to section 13-1802, unlawful use of means of transportation pursuant to section 13-1803 or theft of means of transportation pursuant to section 13-1814, or who has been adjudicated delinquent for a second or subsequent act that would constitute criminal damage to property pursuant to section 13-1602, subsection A, paragraph 1 or adjudicated delinquent for an act that would constitute a felony offense in the commission of which a motor vehicle is used, including theft of a motor vehicle pursuant to section 13-1802, unlawful use of means of transportation pursuant to section 13-1803 or theft of means of transportation pursuant to section 13-1814, if committed by an adult.

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

4. A license to a person whose license or driving privilege has been suspended, during the suspension period.

5. Except as provided in section 28-3315, a license to a person whose license or driving privilege has been revoked.

6. A class A, B or C license to a person who has been disqualified from obtaining a commercial driver license.

7. A license to a person who on application notifies the department that the person is an alcoholic as defined in section 36-2021 or a drug dependent person as defined in section 36-2501, unless the person successfully completes the medical screening process pursuant to section 28-3052 or submits a medical examination report that includes a current evaluation from a substance abuse counselor indicating that, in the opinion

of the counselor, the condition does not affect or impair the person's ability to safely operate a motor vehicle.

8. A license to a person who has been adjudged to be incapacitated pursuant to section 14-5304 and who at the time of application has not obtained either a court order that allows the person to drive or a termination of incapacity as provided by law.

9. A license to a person who is required by this chapter to take an examination unless the person successfully passes the examination.

10. A license to a person who is required under the motor vehicle financial responsibility laws of this state to deposit proof of financial responsibility and who has not deposited the proof.

11. A license to a person if the department has good cause to believe that the operation of a motor vehicle on the highways by the person would threaten the public safety or welfare.

12. A license to a person whose driver license has been ordered to be suspended pursuant to section 25-518.

13. A class A, B or C license to a person whose license or driving privilege has been canceled until the cause for the cancellation has been removed.

14. A class A, B or C license or instruction permit to a person whose state of domicile is not this state.

B. The department shall not issue a driver license to or renew the driver license of the following persons:

1. A person about whom the court notifies the department that the person violated the person's written promise to appear in court when charged with a violation of the motor vehicle laws of this state until the department receives notification in a manner approved by the department that the person appeared either voluntarily or involuntarily or that the case has been adjudicated, that the case is being appealed or that the case has otherwise been disposed of as provided by law.

2. If notified pursuant to section 28-1601, a person who fails to pay a civil penalty as provided in section 28-1601, except for a parking violation, until the department receives notification in a manner approved by the department that the person paid the civil penalty, that the case is being appealed or that the case has otherwise been disposed of as provided by law.

C. The magistrate or the clerk of the court shall provide the notification to the department prescribed by subsection B of this section.

D. Notwithstanding any other law, the department shall not issue to or renew a driver license or nonoperating identification license for a person who does not submit proof satisfactory to the department that the applicant's presence in the United States is authorized under federal law. For an application for a driver license or a nonoperating identification license, the department shall not accept as a primary source of identification a driver license issued by a state if the state does not require that a driver licensed in that state be lawfully present in the United States under federal

law. The director shall adopt rules necessary to carry out the purposes of this subsection. The rules shall include procedures for:

1. Verification that the applicant's presence in the United States is authorized under federal law.

2. Issuance of a temporary driver permit pursuant to section 28-3157 pending verification of the applicant's status in the United States.

Sec. 2. Section 28-3154, Arizona Revised Statutes, is amended to read:

28-3154. Instruction permit for a class D or G license

A. A person who is at least fifteen years and ~~seven~~ SIX months of age may apply to the department for an instruction permit for a class D or G license. The department may issue an instruction permit to the applicant after the applicant successfully passes all parts of the examination other than the driving test.

B. The instruction permit entitles the permittee to drive a motor vehicle requiring a class D or G license on the public highways for twelve months when both of the following conditions are met:

1. The permittee has the permit in the permittee's immediate possession.

2. The permittee is accompanied by a person who has a class A, B, C or D license, WHO IS AT LEAST TWENTY-ONE YEARS OF AGE and who occupies a seat beside the permittee.

Sec. 3. Section 28-3156, Arizona Revised Statutes, is amended to read:

28-3156. Class M instruction permit

A. A person who is at least fifteen years and ~~seven~~ SIX months of age may apply to the department for an instruction permit for a class M license. The department may issue an instruction permit to the applicant after the applicant successfully passes all parts of the examination other than the motorcycle skill test.

B. The permit entitles the permittee to operate a motorcycle requiring a class M license or endorsement when the permittee has the permit in the permittee's immediate possession. The permit is valid for ~~six~~ SEVEN months from the date of issuance.

C. The permittee shall not operate a motorcycle as follows:

1. On a controlled access highway as defined in section 28-601.

2. On a public highway from sunset to sunrise or when there is insufficient light to clearly discern a person and a vehicle on the highway at a distance of five hundred feet.

D. The department shall not issue more than two class M permits to the same person within twenty-four months.

Sec. 4. Section 28-3174, Arizona Revised Statutes, is amended to read:

28-3174. Class G driver licenses; restrictions; civil penalties; motorcycles

A. A person who is under eighteen years of age may apply to the department for a class G driver license if all of the following apply:

1. The person is at least sixteen years of age.

2. The person has a valid instruction permit issued pursuant to this article and the person has held the instruction permit for at least ~~five~~ SIX months, except that this requirement does not apply to a person who has a currently valid driver license issued by another jurisdiction.

3. Either:

(a) The person has satisfactorily completed a driver education program that is approved by the department of transportation. If the driver education program is offered by a public high school, the program shall be approved by the department of transportation in consultation with the department of education.

(b) A custodial parent or guardian of the person certifies in writing to the department that the applicant has completed at least ~~twenty-five~~ THIRTY hours of supervised driving practice and that at least ~~five~~ TEN of the required practice hours were at night.

B. If the applicant successfully passes the examination prescribed in section 28-3164 and satisfies the requirements prescribed in subsection A of this section, the department may issue a class G driver license to the applicant.

C. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, a class G driver license entitles the licensee to drive a motor vehicle that requires a class G license on the public highways.

D. EXCEPT AS PROVIDED IN SUBSECTION J OF THIS SECTION, FOR THE FIRST SIX MONTHS THAT A CLASS G LICENSEE HOLDS THE LICENSE, THE LICENSEE SHALL NOT DRIVE A MOTOR VEHICLE ON A PUBLIC HIGHWAY FROM 12:00 A.M. TO 5:00 A.M. UNLESS EITHER:

1. THE LICENSEE IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN WHO HAS A CLASS A, B, C OR D LICENSE AND WHO OCCUPIES A SEAT BESIDE THE CLASS G LICENSEE.

2. THE LICENSEE IS DRIVING DIRECTLY TO OR FROM A SANCTIONED SCHOOL SPONSORED ACTIVITY, THE LICENSEE'S PLACE OF EMPLOYMENT, A SANCTIONED RELIGIOUS ACTIVITY OR A FAMILY EMERGENCY.

E. EXCEPT AS PROVIDED IN THIS SUBSECTION AND SUBSECTION J OF THIS SECTION, FOR THE FIRST SIX MONTHS THAT A CLASS G LICENSEE HOLDS THE LICENSE, THE LICENSEE SHALL NOT DRIVE A MOTOR VEHICLE ON A PUBLIC HIGHWAY AT ANY TIME IF THE LICENSEE IS DRIVING A MOTOR VEHICLE CONTAINING MORE THAN ONE PASSENGER UNDER THE AGE OF EIGHTEEN. THIS RESTRICTION DOES NOT:

1. PROHIBIT THE LICENSEE FROM DRIVING A MOTOR VEHICLE CONTAINING PASSENGERS UNDER THE AGE OF EIGHTEEN IF THE PASSENGERS ARE THE LICENSEE'S SIBLINGS.

2. APPLY IF THE LICENSEE IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN WHO HAS A CLASS A, B, C OR D LICENSE AND WHO OCCUPIES A SEAT BESIDE THE CLASS G LICENSEE.

F. A PEACE OFFICER SHALL NOT STOP OR ISSUE A CITATION TO A PERSON OPERATING A MOTOR VEHICLE ON A HIGHWAY IN THIS STATE FOR A VIOLATION OF SUBSECTION D OR E OF THIS SECTION UNLESS THE PEACE OFFICER HAS REASONABLE

CAUSE TO BELIEVE THERE IS ANOTHER ALLEGED VIOLATION OF A MOTOR VEHICLE LAW OF THIS STATE.

G. IF A LICENSEE IS FOUND RESPONSIBLE FOR VIOLATING SUBSECTION D OR E OF THIS SECTION, THE LICENSEE:

1. FOR A FIRST VIOLATION, IS SUBJECT TO A MAXIMUM CIVIL PENALTY OF SEVENTY-FIVE DOLLARS. THE DEPARTMENT SHALL EXTEND THE RESTRICTION PRESCRIBED BY SUBSECTION D OR E OF THIS SECTION FOR THIRTY DAYS, OR IF THE RESTRICTION PRESCRIBED BY SUBSECTION D OR E OF THIS SECTION IS COMPLETE, THE THIRTY DAY RESTRICTION BEGINS ON THE DEPARTMENT'S RECEIPT OF THE REPORT OF THE FINDING OF RESPONSIBILITY.

2. FOR A SECOND VIOLATION, IS SUBJECT TO A MAXIMUM CIVIL PENALTY OF ONE HUNDRED DOLLARS. THE DEPARTMENT SHALL EXTEND THE RESTRICTION PRESCRIBED BY SUBSECTION D OR E OF THIS SECTION FOR SIXTY DAYS, OR IF THE RESTRICTION PRESCRIBED BY SUBSECTION D OR E OF THIS SECTION IS COMPLETE, THE SIXTY DAY RESTRICTION BEGINS ON THE DEPARTMENT'S RECEIPT OF THE REPORT OF THE FINDING OF RESPONSIBILITY. IF AT THE TIME OF THE SECOND VIOLATION THE LICENSEE IS SUBJECT TO AN EXTENSION OF THE SIX MONTH PERIOD PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION, THE EXTENSIONS RUN CONSECUTIVELY.

3. FOR A THIRD OR SUBSEQUENT VIOLATION, IS SUBJECT TO A MAXIMUM CIVIL PENALTY OF ONE HUNDRED DOLLARS. ON THE DEPARTMENT'S RECEIPT OF THE REPORT OF THE FINDING OF RESPONSIBILITY, THE DEPARTMENT SHALL SUSPEND THE LICENSEE'S DRIVING PRIVILEGE FOR THIRTY DAYS. IF THE LICENSEE ALSO HAS A SUSPENSION RESULTING FROM A MOVING CIVIL TRAFFIC VIOLATION OR A MOVING CRIMINAL TRAFFIC OFFENSE AS PRESCRIBED BY SECTION 28-3321, THE SUSPENSIONS RUN CONSECUTIVELY.

H. A CITATION ISSUED FOR VIOLATING SUBSECTION D OF THIS SECTION SHALL BE DISMISSED IF THE LICENSEE TO WHOM THE CITATION WAS ISSUED PRODUCES ANY OF THE FOLLOWING EVIDENCE TO THE APPROPRIATE COURT OFFICER ON OR BEFORE THE DATE AND TIME SPECIFIED ON THE CITATION FOR COURT APPEARANCE AND IN A MANNER SPECIFIED BY THE COURT:

1. A WRITTEN, NOTARIZED LETTER FROM THE PARENT OR LEGAL GUARDIAN OF THE LICENSEE THAT THE LICENSEE WAS GOING TO OR RETURNING FROM A SANCTIONED SCHOOL SPONSORED ACTIVITY, THE LICENSEE'S PLACE OF EMPLOYMENT, A SANCTIONED RELIGIOUS ACTIVITY OR A FAMILY EMERGENCY.

2. A WRITTEN, NOTARIZED LETTER FROM A REPRESENTATIVE OF THE SANCTIONED SCHOOL SPONSORED ACTIVITY CERTIFYING THAT THE LICENSEE WAS RETURNING FROM THE SCHOOL ACTIVITY.

3. A WRITTEN, NOTARIZED LETTER FROM THE LICENSEE'S EMPLOYER CERTIFYING THAT THE LICENSEE WAS RETURNING FROM THE LICENSEE'S PLACE OF EMPLOYMENT.

4. A WRITTEN, NOTARIZED LETTER FROM A REPRESENTATIVE OF THE SANCTIONED RELIGIOUS ACTIVITY CERTIFYING THAT THE LICENSEE WAS RETURNING FROM THE RELIGIOUS ACTIVITY.

I. A CITATION ISSUED FOR VIOLATING SUBSECTION E OF THIS SECTION SHALL BE DISMISSED IF THE LICENSEE TO WHOM THE CITATION WAS ISSUED PRODUCES A WRITTEN, NOTARIZED LETTER FROM THE PARENT OR LEGAL GUARDIAN OF THE LICENSEE TO THE APPROPRIATE COURT OFFICER ON OR BEFORE THE DATE AND TIME SPECIFIED ON

THE CITATION FOR COURT APPEARANCE AND IN A MANNER SPECIFIED BY THE COURT THAT STATES THE PASSENGERS IN THE VEHICLE WITH THE LICENSEE AT THE TIME OF THE VIOLATION WERE THE SIBLINGS OF THE LICENSEE.

J. THE RESTRICTIONS IMPOSED BY SUBSECTION D OR E OF THIS SECTION DO NOT APPLY BEGINNING ON THE LICENSEE'S EIGHTEENTH BIRTHDAY. ANY PENALTIES OR RESTRICTIONS IMPOSED PURSUANT TO SUBSECTION G OF THIS SECTION SHALL BE FULLY SATISFIED EVEN IF THE LICENSEE IS EIGHTEEN YEARS OF AGE OR OLDER.

~~D.~~ K. A person who holds a class G driver license may apply for a class D license on or after the person's eighteenth birthday, except that a person whose class G driver license is suspended pursuant to section 28-3321 is not entitled to receive a class D driver license until after the suspension period expires.

~~E.~~ L. If a person who is under eighteen years of age and at least sixteen years of age applies for a class M license or a motorcycle endorsement, the department shall not issue the class M license or motorcycle endorsement to the person unless both of the following apply:

1. The applicant has held an instruction permit issued pursuant to section 28-3156 for at least ~~five~~ SIX months, except that this requirement does not apply to a person who has a currently valid motorcycle driver license or endorsement issued by another jurisdiction.

2. Either:

(a) The person has satisfactorily completed a motorcycle driver education program that is approved by the department. If the driver education program is offered by a public high school, the program shall be approved by the department of transportation in consultation with the department of education.

(b) A custodial parent or guardian of the person certifies in writing to the department that the applicant has completed at least ~~twenty-five~~ THIRTY hours of motorcycle driving practice.

Sec. 5. Section 28-3321, Arizona Revised Statutes, is amended to read:

28-3321. Moving violations by persons under eighteen years of age; traffic survival school; suspension

A person who holds a driver permit or license and who is found responsible for a moving civil traffic violation pursuant to this title or who is convicted of a moving criminal traffic offense pursuant to this title, excluding violations of sections 28-693, 28-695, 28-708, 28-1381, 28-1382, ~~and~~ 28-1383 AND 28-3174, and who commits the moving civil traffic violation or moving criminal traffic offense while the person is under eighteen years of age is subject to the following:

1. On receipt of the first record of judgment or conviction, the department shall order the person to attend and successfully complete traffic survival school training and educational sessions.

2. On receipt of the second record of judgment or conviction, the department shall suspend the person's driving privilege for three months.

1 3. On receipt of the third record of judgment or conviction, the
2 department shall suspend the person's driving privilege for six months.
3 Sec. 6. Short title
4 This act shall be known as and may be cited as the "Teenage Driver
5 Safety Act".
6 Sec. 7. Applicability
7 This act applies only to permits and licenses issued from and after
8 June 30, 2008.
9 Sec. 8. Effective date
10 This act is effective from and after June 30, 2008.

APPROVED BY THE GOVERNOR MAY 14, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 14, 2007.

Passed the House January 29, 20 07

by the following vote: 55 Ayes,

3 Nays, 2 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate April 11, 20 07

by the following vote: 21 Ayes,

6 Nays, 3 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

Secretary to the Governor

Approved this _____day of

_____

at _____o'clock _____M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____o'clock _____M.

Secretary of State

H.B. 2033

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 8, 2007,

by the following vote: 50 Ayes,

7 Nays, 3 Not Voting

Speaker of the House

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

8th day of May, 2007,

at 11:21 o'clock a M.

Secretary to the Governor

Approved this 14 day of

May, 2007,

at 9:55 o'clock A M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 14 day of May, 2007,

at 11:25 o'clock A. M.

Secretary of State

H.B. 2033