

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 214

# **HOUSE BILL 2228**

AN ACT

AMENDING SECTIONS 28-101, 28-3004, 28-3152, 28-3153 AND 28-3312, ARIZONA  
REVISED STATUTES; RELATING TO COMMERCIAL DRIVER LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 28-101, Arizona Revised Statutes, is amended to  
3 read:  
4 28-101. Definitions  
5 In this title, unless the context otherwise requires:  
6 1. "Alcohol" means any substance containing any form of alcohol,  
7 including ethanol, methanol, propynol and isopropynol.  
8 2. "Alcohol concentration" if expressed as a percentage means either:  
9 (a) The number of grams of alcohol per one hundred milliliters of  
10 blood.  
11 (b) The number of grams of alcohol per two hundred ten liters of  
12 breath.  
13 3. "All-terrain vehicle" means a motor vehicle that satisfies all of  
14 the following:  
15 (a) Is designed primarily for recreational nonhighway all-terrain  
16 travel.  
17 (b) Is fifty or fewer inches in width.  
18 (c) Has an unladen weight of eight hundred pounds or less.  
19 (d) Travels on three or more low pressure tires.  
20 (e) Has a seat to be straddled by the operator and handlebars for  
21 steering control.  
22 (f) Is operated on a public highway.  
23 4. "Authorized emergency vehicle" means any of the following:  
24 (a) A fire department vehicle.  
25 (b) A police vehicle.  
26 (c) An ambulance or emergency vehicle of a municipal department or  
27 public service corporation that is designated or authorized by the department  
28 or a local authority.  
29 (d) Any other ambulance, fire truck or rescue vehicle that is  
30 authorized by the department in its sole discretion and that meets liability  
31 insurance requirements prescribed by the department.  
32 5. "Aviation fuel" means all flammable liquids composed of a mixture  
33 of selected hydrocarbons expressly manufactured and blended for the purpose  
34 of effectively and efficiently operating an internal combustion engine for  
35 use in an aircraft but does not include fuel for jet or turbine powered  
36 aircraft.  
37 6. "Bicycle" means a device, including a racing wheelchair, that is  
38 propelled by human power and on which a person may ride and that has either:  
39 (a) Two tandem wheels, either of which is more than sixteen inches in  
40 diameter.  
41 (b) Three wheels in contact with the ground, any of which is more than  
42 sixteen inches in diameter.  
43 7. "Board" means the transportation board.  
44 8. "Bus" means a motor vehicle designed for carrying sixteen or more  
45 passengers, including the driver.

- 1           9. "Business district" means the territory contiguous to and including  
2 a highway if there are buildings in use for business or industrial purposes  
3 within any six hundred feet along the highway, including hotels, banks or  
4 office buildings, railroad stations and public buildings that occupy at least  
5 three hundred feet of frontage on one side or three hundred feet collectively  
6 on both sides of the highway.
- 7           10. "Combination of vehicles" means a truck or truck tractor and  
8 semitrailer and any trailer that it tows but does not include a forklift  
9 designed for the purpose of loading or unloading the truck, trailer or  
10 semitrailer.
- 11          11. "Controlled substance" means a substance so classified under  
12 section 102(6) of the controlled substances act (21 United States Code  
13 section 802(6)) and includes all substances listed in schedules I through V  
14 of 21 Code of Federal Regulations part 1308.
- 15          12. "Conviction" means:
- 16           (a) An unvacated adjudication of guilt or a determination that a  
17 person violated or failed to comply with the law in a court of original  
18 jurisdiction or by an authorized administrative tribunal.
- 19           (b) An unvacated forfeiture of bail or collateral deposited to secure  
20 the person's appearance in court.
- 21           (c) A plea of guilty or no contest accepted by the court.
- 22           (d) The payment of a fine or court costs.
- 23          13. "County highway" means a public road constructed and maintained by  
24 a county.
- 25          14. "Dealer" means a person who is engaged in the business of buying,  
26 selling or exchanging motor vehicles, trailers or semitrailers and who has an  
27 established place of business.
- 28          15. "Department" means the department of transportation acting directly  
29 or through its duly authorized officers and agents.
- 30          16. "Director" means the director of the department of transportation.
- 31          17. "Drive" means to operate or be in actual physical control of a  
32 motor vehicle.
- 33          18. "Driver" means a person who drives or is in actual physical control  
34 of a vehicle.
- 35          19. "Driver license" means a license that is issued by a state to an  
36 individual and that authorizes the individual to drive a motor vehicle.
- 37          20. "Electric personal assistive mobility device" means a  
38 self-balancing two nontandem wheeled device with an electric propulsion  
39 system that limits the maximum speed of the device to fifteen miles per hour  
40 or less and that is designed to transport only one person.
- 41          21. "Farm tractor" means a motor vehicle designed and used primarily as  
42 a farm implement for drawing implements of husbandry.
- 43          22. "Foreign vehicle" means a motor vehicle, trailer or semitrailer  
44 that is brought into this state other than in the ordinary course of business

1 by or through a manufacturer or dealer and that has not been registered in  
2 this state.

3 23. "Golf cart" means a motor vehicle that has not less than three  
4 wheels in contact with the ground, that has an unladen weight of less than  
5 one thousand eight hundred pounds, that is designed to be and is operated at  
6 not more than twenty-five miles per hour and that is designed to carry not  
7 more than four persons including the driver.

8 24. "Hazardous material" means a material, and its mixtures or  
9 solutions, that the United States department of transportation determines  
10 under 49 Code of Federal Regulations is, OR ANY QUANTITY OF A MATERIAL LISTED  
11 AS A SELECT AGENT OR TOXIN UNDER 42 CODE OF FEDERAL REGULATIONS PART 73 THAT  
12 IS, capable of posing an unreasonable risk to health, safety and property if  
13 transported in commerce and that is required to be placarded or marked as  
14 required by the department's safety rules prescribed pursuant to chapter 14  
15 of this title.

16 25. "Implement of husbandry" means a vehicle designed primarily for  
17 agricultural purposes and used exclusively in the conduct of agricultural  
18 operations, including an implement or vehicle whether self-propelled or  
19 otherwise that meets all of the following conditions:

20 (a) Is used exclusively for carrying products of farming from one part  
21 of a farm to another part of the same farm or from one farm to another farm.

22 (b) Is used solely for agricultural purposes including the preparation  
23 or harvesting of cotton, alfalfa, grains and other farm crops.

24 (c) Is only incidentally operated or moved on a highway whether as a  
25 trailer or self-propelled unit.

26 26. "Limousine" means a motor vehicle providing prearranged ground  
27 transportation service for an individual passenger, or a group of passengers,  
28 that is arranged in advance or is operated on a regular route or between  
29 specified points and includes ground transportation under a contract or  
30 agreement for services that includes a fixed rate or time and is provided in  
31 a motor vehicle with a seating capacity not exceeding fifteen passengers  
32 including the driver.

33 27. "Livery vehicle" means a motor vehicle that:

34 (a) Has a seating capacity not exceeding fifteen passengers including  
35 the driver.

36 (b) Provides passenger services for a fare determined by a flat rate  
37 or flat hourly rate between geographic zones or within a geographic area.

38 (c) Is available for hire on an exclusive or shared ride basis.

39 (d) May do any of the following:

40 (i) Operate on a regular route or between specified places.

41 (ii) Offer prearranged ground transportation service as defined in  
42 section 28-141.

43 (iii) Offer on demand ground transportation service pursuant to a  
44 contract with a public airport, licensed business entity or organization.

1           28. "Local authority" means any county, municipal or other local board  
2 or body exercising jurisdiction over highways under the constitution and laws  
3 of this state.

4           29. "Manufacturer" means a person engaged in the business of  
5 manufacturing motor vehicles, trailers or semitrailers.

6           30. "Moped" means a bicycle that is equipped with a helper motor if the  
7 vehicle has a maximum piston displacement of fifty cubic centimeters or less,  
8 a brake horsepower of one and one-half or less and a maximum speed of  
9 twenty-five miles per hour or less on a flat surface with less than a one per  
10 cent grade.

11           31. "Motor driven cycle" means a motorcycle, including every motor  
12 scooter, with a motor that produces not more than five horsepower.

13           32. "Motor vehicle":

14           (a) Means either:

15           (i) A self-propelled vehicle.

16           (ii) For the purposes of the laws relating to the imposition of a tax  
17 on motor vehicle fuel, a vehicle that is operated on the highways of this  
18 state and that is propelled by the use of motor vehicle fuel.

19           (b) Does not include a motorized wheelchair, an electric personal  
20 assistive mobility device or a motorized skateboard. For the purposes of this  
21 subdivision:

22           (i) "Motorized skateboard" means a self-propelled device that has a  
23 motor, a deck on which a person may ride and at least two tandem wheels in  
24 contact with the ground.

25           (ii) "Motorized wheelchair" means a self-propelled wheelchair that is  
26 used by a person for mobility.

27           33. "Motor vehicle fuel" includes all products that are commonly or  
28 commercially known or sold as gasoline, including casinghead gasoline,  
29 natural gasoline and all flammable liquids, and that are composed of a  
30 mixture of selected hydrocarbons expressly manufactured and blended for the  
31 purpose of effectively and efficiently operating internal combustion  
32 engines. Motor vehicle fuel does not include inflammable liquids that are  
33 specifically manufactured for racing motor vehicles and that are distributed  
34 for and used by racing motor vehicles at a racetrack, use fuel as defined in  
35 section 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or  
36 the mixture created at the interface of two different substances being  
37 transported through a pipeline, commonly known as transmix.

38           34. "Motorcycle" means a motor vehicle that has a seat or saddle for  
39 the use of the rider and that is designed to travel on not more than three  
40 wheels in contact with the ground but excluding a tractor and a moped.

41           35. "Neighborhood electric vehicle" means a self-propelled electrically  
42 powered motor vehicle to which all of the following apply:

43           (a) The vehicle is emission free.

44           (b) The vehicle has at least four wheels in contact with the ground.

1 (c) The vehicle complies with the definition and standards for low  
2 speed vehicles set forth in federal motor vehicle safety standard 500 and 49  
3 Code of federal regulations sections 571.3(b) and 571.500, respectively.

4 36. "Nonresident" means a person who is not a resident of this state as  
5 defined in section 28-2001.

6 37. "Off-road recreational motor vehicle" means a motor vehicle that is  
7 designed primarily for recreational nonhighway all-terrain travel and that is  
8 not operated on a public highway. Off-road recreational motor vehicle does  
9 not mean a motor vehicle used for construction, building trade, mining or  
10 agricultural purposes.

11 38. "Operator" means a person who drives a motor vehicle on a highway,  
12 who is in actual physical control of a motor vehicle on a highway or who is  
13 exercising control over or steering a vehicle being towed by a motor vehicle.

14 39. "Owner" means:

15 (a) A person who holds the legal title of a vehicle.

16 (b) If a vehicle is the subject of an agreement for the conditional  
17 sale or lease with the right of purchase on performance of the conditions  
18 stated in the agreement and with an immediate right of possession vested in  
19 the conditional vendee or lessee, the conditional vendee or lessee.

20 (c) If a mortgagor of a vehicle is entitled to possession of the  
21 vehicle, the mortgagor.

22 40. "Pedestrian" means any person afoot. A person who uses an electric  
23 personal assistive mobility device or a manual or motorized wheelchair is  
24 considered a pedestrian unless the manual wheelchair qualifies as a  
25 bicycle. For the purposes of this paragraph, "motorized wheelchair" means a  
26 self-propelled wheelchair that is used by a person for mobility.

27 41. "Power sweeper" means an implement, with or without motive power,  
28 that is only incidentally operated or moved on a street or highway and that  
29 is designed for the removal of debris, dirt, gravel, litter or sand whether  
30 by broom, vacuum or regenerative air system from asphaltic concrete or cement  
31 concrete surfaces, including parking lots, highways, streets and warehouses,  
32 and a vehicle on which the implement is permanently mounted.

33 42. "Public transit" means the transportation of passengers on  
34 scheduled routes by means of a conveyance on an individual passenger  
35 fare-paying basis excluding transportation by a sight-seeing bus, school bus  
36 or taxi or a vehicle not operated on a scheduled route basis.

37 43. "Reconstructed vehicle" means a vehicle that has been assembled or  
38 constructed largely by means of essential parts, new or used, derived from  
39 vehicles or makes of vehicles of various names, models and types or that, if  
40 originally otherwise constructed, has been materially altered by the removal  
41 of essential parts or by the addition or substitution of essential parts, new  
42 or used, derived from other vehicles or makes of vehicles. For the purposes  
43 of this paragraph, "essential parts" means integral and body parts, the  
44 removal, alteration or substitution of which will tend to conceal the  
45 identity or substantially alter the appearance of the vehicle.

1           44. "Residence district" means the territory contiguous to and  
2 including a highway not comprising a business district if the property on the  
3 highway for a distance of three hundred feet or more is in the main improved  
4 with residences or residences and buildings in use for business.

5           45. "Right-of-way" when used within the context of the regulation of  
6 the movement of traffic on a highway means the privilege of the immediate use  
7 of the highway. Right-of-way when used within the context of the real  
8 property on which transportation facilities and appurtenances to the  
9 facilities are constructed or maintained means the lands or interest in lands  
10 within the right-of-way boundaries.

11           46. "School bus" means a motor vehicle that is designed for carrying  
12 more than ten passengers and that is either:

13           (a) Owned by any public or governmental agency or other institution  
14 and operated for the transportation of children to or from home or school on  
15 a regularly scheduled basis.

16           (b) Privately owned and operated for compensation for the  
17 transportation of children to or from home or school on a regularly scheduled  
18 basis.

19           47. "Semitrailer" means a vehicle that is with or without motive power,  
20 other than a pole trailer, that is designed for carrying persons or property  
21 and for being drawn by a motor vehicle and that is constructed so that some  
22 part of its weight and that of its load rests on or is carried by another  
23 vehicle. For the purposes of this paragraph, "pole trailer" has the same  
24 meaning prescribed in section 28-601.

25           48. "State" means a state of the United States and the District of  
26 Columbia.

27           49. "State highway" means a state route or portion of a state route  
28 that is accepted and designated by the board as a state highway and that is  
29 maintained by the state.

30           50. "State route" means a right-of-way whether actually used as a  
31 highway or not that is designated by the board as a location for the  
32 construction of a state highway.

33           51. "Street" or "highway" means the entire width between the boundary  
34 lines of every way if a part of the way is open to the use of the public for  
35 purposes of vehicular travel.

36           52. "Taxi" means a motor vehicle that has a seating capacity not  
37 exceeding fifteen passengers, including the driver, that is registered as a  
38 taxi in this state or any other state, that provides passenger services and  
39 that:

40           (a) Does not operate on a regular route or between specified places.

41           (b) Offers local transportation for a fare determined primarily on the  
42 basis of the distance traveled.

43           53. "Trailer" means a vehicle that is with or without motive power,  
44 other than a pole trailer, that is designed for carrying persons or property  
45 and for being drawn by a motor vehicle and that is constructed so that no

1 part of its weight rests on the towing vehicle. A semitrailer equipped with  
2 an auxiliary front axle commonly known as a dolly is deemed to be a  
3 trailer. For the purposes of this paragraph, "pole trailer" has the same  
4 meaning prescribed in section 28-601.

5 54. "Truck" means a motor vehicle designed or used primarily for the  
6 carrying of property other than the effects of the driver or passengers and  
7 includes a motor vehicle to which has been added a box, a platform or other  
8 equipment for such carrying.

9 55. "Truck tractor" means a motor vehicle that is designed and used  
10 primarily for drawing other vehicles and that is not constructed to carry a  
11 load other than a part of the weight of the vehicle and load drawn.

12 56. "Vehicle" means a device in, on or by which a person or property is  
13 or may be transported or drawn on a public highway, excluding devices moved  
14 by human power or used exclusively on stationary rails or tracks.

15 57. "Vehicle transporter" means either:

16 (a) A truck tractor capable of carrying a load and drawing a  
17 semitrailer.

18 (b) A truck tractor with a stinger-steered fifth wheel capable of  
19 carrying a load and drawing a semitrailer or a truck tractor with a dolly  
20 mounted fifth wheel that is securely fastened to the truck tractor at two or  
21 more points and that is capable of carrying a load and drawing a semitrailer.

22 Sec. 2. Section 28-3004, Arizona Revised Statutes, is amended to read:  
23 28-3004. License records

24 A. The department shall file an application for a license and shall  
25 maintain suitable indexes containing, in alphabetical order:

26 1. Each application denied, with a note on each application of the  
27 reason for the denial.

28 2. Each application granted.

29 3. Except as provided in subsection B of this section, the name of  
30 each licensee whose license has been suspended or revoked by the department,  
31 with a note after each name of the reason for the action.

32 B. The director shall expunge from the public records maintained by  
33 the department a note of a suspension or revocation made pursuant to section  
34 28-1385 if, after the suspension or revocation period, the licensee submits a  
35 certified copy of the court record indicating a dismissal or finding of not  
36 guilty of the violation on which the suspension or revocation is based. The  
37 director shall not expunge the record or shall rescind the expungement of the  
38 record if the licensee OPERATES A COMMERCIAL MOTOR VEHICLE WITHOUT THE PROPER  
39 CLASS OF COMMERCIAL DRIVER LICENSE, HOLDS A COMMERCIAL DRIVER LICENSE OR is  
40 convicted of or found responsible for a violation of chapter 3, 4 or 5 of  
41 this title that occurred during the suspension or revocation period or if the  
42 licensee's driver license or permit is suspended pursuant to section 28-1321  
43 or suspended and restricted pursuant to section 28-1385 during the suspension  
44 or revocation period.

1 C. The department shall file all abstracts of court records of  
2 convictions and judgments it receives under the laws of this state and shall  
3 maintain convenient records of the abstracts or make suitable notations on  
4 the abstracts in order that an individual record of each licensee showing the  
5 convictions and judgments of the licensee and the traffic accidents in which  
6 the licensee has been involved is readily ascertainable and available for the  
7 consideration of the department on an application for renewal of a license  
8 and at other suitable times.

9 D. The department shall maintain the records pursuant to this section  
10 for five years after the application, suspension, revocation or abstract of a  
11 court record of conviction or judgment has become inactive.

12 Sec. 3. Section 28-3152, Arizona Revised Statutes, is amended to read:  
13 28-3152. Driver license; exemptions; limitation

14 A. Except as provided in subsection B, the following persons are  
15 exempt from licensing under this chapter:

16 1. ANY OF THE FOLLOWING WHILE OPERATING A COMMERCIAL MOTOR VEHICLE FOR  
17 MILITARY PURPOSES:

18 (a) ~~Active duty military personnel while operating a military vehicle~~  
19 ~~in the service of the armed forces of the United States.~~

20 (b) MEMBERS OF THE UNITED STATES MILITARY RESERVE FORCES.

21 (c) MEMBERS OF THE UNITED STATES ARMY NATIONAL GUARD ON ACTIVE DUTY OR  
22 THE UNITED STATES AIR NATIONAL GUARD ON ACTIVE DUTY, INCLUDING:

23 (i) PERSONNEL ON FULL-TIME NATIONAL GUARD ACTIVE DUTY.

24 (ii) PERSONNEL ON PART-TIME NATIONAL GUARD TRAINING.

25 (d) UNITED STATES ARMY NATIONAL GUARD AND UNITED STATES AIR NATIONAL  
26 GUARD MILITARY TECHNICIANS WHO ARE CIVILIANS AND WHO ARE REQUIRED TO WEAR  
27 MILITARY UNIFORMS.

28 (e) ACTIVE DUTY UNITED STATES COAST GUARD PERSONNEL.

29 THIS PARAGRAPH DOES NOT APPLY TO UNITED STATES RESERVE TECHNICIANS.

30 2. A person while driving or operating a farm tractor or implement of  
31 husbandry that is temporarily operated or moved on a highway.

32 3. A person who is a nonresident, who is at least sixteen years of age  
33 and who has in the person's immediate possession a valid driver license  
34 issued to the person in the person's home state or country while the person  
35 is operating a motor vehicle requiring a class D license.

36 4. A person who is a nonresident, who is at least eighteen years of  
37 age and who has in the person's immediate possession a valid commercial  
38 driver license or classified license that is issued to the person in the  
39 person's home state or country and that authorizes operation of a commercial  
40 motor vehicle while the person is operating a motor vehicle requiring a class  
41 A, B or C license in this state, except that the person must be licensed  
42 under this chapter before accepting employment from a resident of this state  
43 involving the operation of a motor vehicle requiring a class A, B or C  
44 license.

1           5. A person who is a nonresident, who is at least eighteen years of  
2 age and whose home state or country does not require the licensing of  
3 operators while the person operates a motor vehicle requiring a class D  
4 license for a period of not more than ninety days in a calendar year, if the  
5 motor vehicle that the person is operating is duly registered in the home  
6 state or country of the nonresident.

7           6. A person who has in the person's immediate possession a valid  
8 driver license issued to the person by another state or country while the  
9 person is operating a motor vehicle requiring a class D license, who is an  
10 employee, agent or consultant of an organization that operates in this state  
11 and at least one other state or country, who is principally domiciled or  
12 employed in another state or country and who is present in this state not  
13 more than ninety consecutive days.

14           B. A person who is a resident of a foreign country and who operates a  
15 commercial vehicle in this state shall obtain a commercial driver license of  
16 the proper class that is issued by this state or another state, if the  
17 foreign country does not grant reciprocal driver license privileges to  
18 operators of commercial vehicles who are residents of this state.

19           Sec. 4. Section 28-3153, Arizona Revised Statutes, is amended to read:  
20 28-3153. Driver license issuance; prohibitions

21           A. The department shall not issue the following:

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

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

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

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

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

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

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

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

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

11           7. A license to a person who on application notifies the department  
12 that the person is an alcoholic as defined in section 36-2021 or a drug  
13 dependent person as defined in section 36-2501, unless the person  
14 successfully completes the medical screening process pursuant to section  
15 28-3052 or submits a medical examination report that includes a current  
16 evaluation from a substance abuse counselor indicating that, in the opinion  
17 of the counselor, the condition does not affect or impair the person's  
18 ability to safely operate a motor vehicle.

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

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

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

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

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

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

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

38           15. A CLASS A, B OR C LICENSE TO A PERSON WHO FAILS TO DEMONSTRATE  
39 PROFICIENCY IN THE ENGLISH LANGUAGE AS DETERMINED BY THE DEPARTMENT.

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

42           1. A person about whom the court notifies the department that the  
43 person violated the person's written promise to appear in court when charged  
44 with a violation of the motor vehicle laws of this state until the department  
45 receives notification in a manner approved by the department that the person

1 appeared either voluntarily or involuntarily or that the case has been  
2 adjudicated, that the case is being appealed or that the case has otherwise  
3 been disposed of as provided by law.

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

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

11 D. Notwithstanding any other law, the department shall not issue to or  
12 renew a driver license or nonoperating identification license for a person  
13 who does not submit proof satisfactory to the department that the applicant's  
14 presence in the United States is authorized under federal law. For an  
15 application for a driver license or a nonoperating identification license,  
16 the department shall not accept as a primary source of identification a  
17 driver license issued by a state if the state does not require that a driver  
18 licensed in that state be lawfully present in the United States under federal  
19 law. The director shall adopt rules necessary to carry out the purposes of  
20 this subsection. The rules shall include procedures for:

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

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

25 Sec. 5. Section 28-3312, Arizona Revised Statutes, is amended to read:

26 28-3312. Mandatory disqualification of commercial driver  
27 licenses; definition

28 A. The department shall disqualify a person REQUIRED TO HAVE A  
29 COMMERCIAL DRIVER LICENSE OR A COMMERCIAL DRIVER LICENSE HOLDER from driving  
30 a commercial motor vehicle as follows:

31 1. Except as provided in subsection ~~F~~ E of this section and except as  
32 otherwise provided in this subsection, for at least one year ~~from the date~~ IF  
33 a person:

34 (a) Refuses a test in violation of section 28-1321.

35 (b) Is convicted of a first violation of any of the following:

36 (i) Driving a commercial motor vehicle under the influence of  
37 intoxicating liquor or a controlled substance or while having an alcohol  
38 concentration of 0.04 or more.

39 (ii) Leaving the scene of an accident involving a motor vehicle driven  
40 by the person.

41 (iii) Using a motor vehicle in the commission of a felony.

42 (iv) A violation of chapter 4, article 3 of this title while operating  
43 a noncommercial motor vehicle.

44 (v) DRIVING A COMMERCIAL MOTOR VEHICLE WHILE, AS A RESULT OF PRIOR  
45 VIOLATIONS OF THIS TITLE COMMITTED WHILE OPERATING A COMMERCIAL MOTOR

1 VEHICLE, THE PERSON'S COMMERCIAL DRIVER LICENSE IS REVOKED, SUSPENDED OR  
2 CANCELED OR THE PERSON IS DISQUALIFIED FROM OPERATING A COMMERCIAL MOTOR  
3 VEHICLE.

4 (vi) CAUSING A FATALITY THROUGH THE NEGLIGENT OPERATION OF A  
5 COMMERCIAL MOTOR VEHICLE, INCLUDING A CONVICTION OF MANSLAUGHTER, HOMICIDE OR  
6 NEGLIGENT HOMICIDE RESULTING FROM OPERATION OF A MOTOR VEHICLE.

7 2. For at least three years, if THE PERSON IS CONVICTED OF any of the  
8 violations prescribed in paragraph 1 of this subsection AND THE VIOLATION  
9 occurred while the person was transporting a hazardous material in the  
10 quantity and under the circumstances that require placarding of the transport  
11 vehicle under the department's safety rules pursuant to chapter 14 of this  
12 title.

13 3. ~~Except as provided in subsection B or C of this section,~~ For the  
14 life of the person, if the person is convicted of two or more violations of  
15 any of the offenses prescribed in paragraph 1 of this subsection or of any  
16 combination of those offenses arising from two or more separate  
17 incidents. The department shall consider only offenses committed from and  
18 after December 31, 1989 in applying this paragraph.

19 4. ~~For the life of the person,~~ PERMANENTLY if the person ~~uses~~ IS  
20 CONVICTED OF USING any motor vehicle in the commission of a felony involving  
21 the manufacture, distribution or dispensing of a controlled substance or  
22 possession with intent to manufacture, distribute or dispense a controlled  
23 substance.

24 5. For at least sixty consecutive days, if the person is convicted of  
25 two serious traffic violations committed in a motor vehicle arising from  
26 separate incidents occurring within a three year period from the date of the  
27 conviction VIOLATION.

28 6. For at least one hundred twenty consecutive days SERVED IN ADDITION  
29 TO ANY OTHER DISQUALIFICATION, if the person is convicted of ~~three~~ A THIRD OR  
30 SUBSEQUENT serious traffic ~~violations~~ VIOLATION committed in a motor vehicle  
31 arising from separate incidents occurring within a three year period from the  
32 date of the ~~conviction~~ VIOLATION.

33 B. Except as provided in subsection C of this section, a person  
34 REQUIRED TO HAVE A COMMERCIAL DRIVER LICENSE OR A COMMERCIAL DRIVER LICENSE  
35 HOLDER who is found responsible for violating an out-of-service order  
36 pursuant to section 28-5241 is disqualified from driving a commercial motor  
37 vehicle as follows:

38 1. For a period of ninety days if the person is found responsible for  
39 a first violation of an out-of-service order.

40 2. For a period of one year if the person is found responsible for a  
41 second violation of any out-of-service order during any ten year period  
42 arising from separate incidents.

43 3. For a period of three years if the person is found responsible for  
44 a third or subsequent violation of any out-of-service order during any ten  
45 year period arising from separate incidents.

1 C. A person REQUIRED TO HAVE A COMMERCIAL DRIVER LICENSE OR A  
2 COMMERCIAL DRIVER LICENSE HOLDER who is found responsible for violating an  
3 out-of-service order pursuant to section 28-5241 while transporting hazardous  
4 materials or while operating a commercial motor vehicle designed or used to  
5 transport sixteen or more passengers, including the driver, is disqualified  
6 from driving a commercial motor vehicle as follows:

7 1. For a period of one hundred eighty days if the person is found  
8 responsible for a first violation of an out-of-service order.

9 2. For a period of three years if the person is found responsible for  
10 a second or subsequent violation of any out-of-service order during any ten  
11 year period arising from separate incidents.

12 D. A person REQUIRED TO HAVE A COMMERCIAL DRIVER LICENSE OR A  
13 COMMERCIAL DRIVER LICENSE HOLDER who is convicted of or found responsible for  
14 violating any federal, state or local railroad grade crossing law, ordinance  
15 or regulation is disqualified from driving a commercial motor vehicle as  
16 follows:

17 1. For a period of sixty days if a person is convicted of or found  
18 responsible for a first violation.

19 2. For a period of one hundred twenty days if a person is convicted of  
20 or found responsible for a second violation during any three year period.

21 3. For a period of one year if a person is convicted of or found  
22 responsible for a third or subsequent violation during any three year period.

23 ~~E. The department shall permanently disqualify a person from driving a~~  
24 ~~commercial motor vehicle if the person does any of the following:~~

25 ~~1. More than once refuses a test in violation of section 28-1321 if~~  
26 ~~the refusals involve more than one incident.~~

27 ~~2. More than once is convicted of violating chapter 4, article 3 of~~  
28 ~~this title.~~

29 ~~3. More than once uses a noncommercial motor vehicle in the commission~~  
30 ~~of a felony.~~

31 ~~F.~~ E. If a federal agency determines that a commercial motor vehicle  
32 licensee is driving in a manner that constitutes an imminent hazard, the  
33 department, on receipt of notification by the federal government, shall  
34 disqualify the driver for a period not to exceed one year. THE  
35 DISQUALIFICATION SHALL RUN CONCURRENTLY WITH ANY OTHER DISQUALIFICATION  
36 IMPOSED ON THE DRIVER. For the purposes of this subsection, "imminent  
37 hazard" means the existence of a condition that presents a substantial  
38 likelihood that death, serious illness, severe personal injury or a  
39 substantial endangerment to health, property or the environment may occur  
40 before the reasonably foreseeable completion date of a formal proceeding to  
41 decrease the risk of death, illness, injury or endangerment.

42 ~~G.~~ F. The department shall keep records of findings of responsibility  
43 for a civil traffic violation and of conviction of any moving criminal  
44 traffic violation for a commercial driver licensee FOR VIOLATIONS IN ANY TYPE  
45 OF MOTOR VEHICLE AND FOR A PERSON REQUIRED TO HAVE A COMMERCIAL DRIVER

1 LICENSE if the violations arise from THE OPERATION OF a commercial motor  
2 vehicle ~~or a noncommercial motor vehicle~~. THE DEPARTMENT SHALL MAKE THE  
3 RECORDS AVAILABLE TO OTHER STATES, THE UNITED STATES SECRETARY OF  
4 TRANSPORTATION, THE DRIVER AND ANY MOTOR CARRIER OR PROSPECTIVE MOTOR CARRIER  
5 OR THE MOTOR CARRIER'S DESIGNATED AGENT WITHIN TEN DAYS AFTER RECEIVING  
6 NOTICE OF A CONVICTION IN THIS STATE OR RECEIPT OF A NOTICE OF A CONVICTION  
7 OR DISQUALIFICATION RECEIVED FROM ANOTHER STATE.

8 ~~H. A person found responsible within three years for a second~~  
9 ~~violation of any of the following shall be disqualified from driving a~~  
10 ~~commercial motor vehicle for a period of sixty days and for a period of one~~  
11 ~~hundred twenty days for a third or subsequent violation of any of the~~  
12 ~~following:~~

13 ~~1. Driving a commercial motor vehicle when the person has not been~~  
14 ~~issued a valid commercial driver license.~~

15 ~~2. Driving a commercial motor vehicle without a commercial driver~~  
16 ~~license in the person's possession.~~

17 ~~3. Driving a commercial motor vehicle without having a valid~~  
18 ~~endorsement for the type of commercial motor vehicle or motor vehicle~~  
19 ~~combination being operated.~~

20 ~~I. G. Disqualification for an offense A SERIOUS TRAFFIC VIOLATION~~  
21 ~~committed by a commercial driver license holder while operating a~~  
22 ~~noncommercial motor vehicle applies only if the conviction results in the~~  
23 ~~revocation, cancellation or suspension of the person's commercial driver~~  
24 ~~license or noncommercial driver license.~~

25 ~~J. H. The department may adopt rules establishing guidelines and~~  
26 ~~conditions under which the department may reduce a disqualification for life~~  
27 ~~pursuant to subsection A, paragraph 3 of this section to a disqualification~~  
28 ~~of at least ten years. If a person's disqualification is reduced pursuant to~~  
29 ~~rules adopted pursuant to this subsection and the person is subsequently~~  
30 ~~disqualified pursuant to CONVICTED OF A VIOLATION DESCRIBED IN subsection A,~~  
31 ~~paragraph 3- 1 of this section, the person is permanently disqualified from~~  
32 ~~driving a commercial vehicle and is not eligible to apply for a reduction of~~  
33 ~~the disqualification pursuant to rules adopted pursuant to this subsection.~~

34 ~~K. If criminal convictions or civil traffic violations result in~~  
35 ~~multiple disqualifications or if a person is serving a disqualification and~~  
36 ~~is subsequently convicted of an offense or found responsible for a civil~~  
37 ~~traffic violation the result of which would be an additional~~  
38 ~~disqualification, the disqualifications shall run consecutively unless the~~  
39 ~~court expressly directs otherwise. If the court expressly directs otherwise,~~  
40 ~~the court shall set forth on the record the reason for its sentence.~~

41 ~~I. EXCEPT AS PROVIDED IN SUBSECTION E OF THIS SECTION, THE BEGINNING~~  
42 ~~DATE OF THE DISQUALIFICATION SHALL BE THE DATE THE DEPARTMENT RECEIVES THE~~  
43 ~~REPORT OF CONVICTION OR FINDING OF RESPONSIBILITY.~~

44 ~~L. J. For the purposes of this section, "serious traffic violation"~~  
45 ~~means a conviction OR FINDING OF RESPONSIBILITY for any of the following:~~

- 1           1. Excessive speeding involving a single offense for a speed of
- 2 fifteen miles per hour or more above the posted speed limit.
- 3           2. Reckless driving as provided by section 28-693.
- 4           3. Aggressive driving as provided by section 28-695.
- 5           4. Racing as defined in section 28-708.
- 6           5. Improper or erratic traffic lane changes as provided by section
- 7 28-729.
- 8           6. Following the vehicle ahead too closely as provided by section
- 9 28-730.
- 10          7. A violation of this title that is connected with a fatal traffic
- 11 accident.
- 12          8. DRIVING A COMMERCIAL MOTOR VEHICLE IF THE PERSON HAS NOT BEEN
- 13 ISSUED A VALID COMMERCIAL DRIVER LICENSE PURSUANT TO THIS CHAPTER.
- 14          9. DRIVING A COMMERCIAL MOTOR VEHICLE WITHOUT A COMMERCIAL DRIVER
- 15 LICENSE IN THE PERSON'S POSSESSION.
- 16          10. DRIVING A COMMERCIAL MOTOR VEHICLE WITHOUT HAVING A VALID
- 17 ENDORSEMENT FOR THE TYPE OF COMMERCIAL MOTOR VEHICLE OR MOTOR VEHICLE
- 18 COMBINATION BEING OPERATED.

APPROVED BY THE GOVERNOR MAY 16, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2007.

Passed the House March 15, 20 07

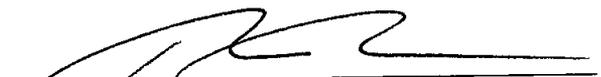
Passed the Senate May 2, 20 07

by the following vote: 59 Ayes,

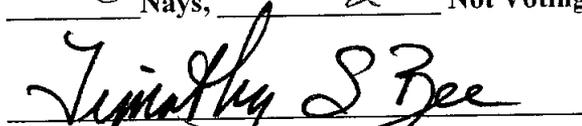
by the following vote: 28 Ayes,

0 Nays, 1 Not Voting

0 Nays, 2 Not Voting



Speaker of the House  
Pro Tempore



President of the Senate



Chief Clerk of the House



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. 2228

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

May 10, 2007,

by the following vote: 55 Ayes,

0 Nays, 5 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

10th day of May, 2007

at 2:15 o'clock P. M.



Secretary to the Governor

Approved this 16 day of

May, 2007,

at 10:45 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 16th day of May, 2007,

at 4:59 o'clock P. M.



Secretary of State

H.B. 2228