

Senate Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 159

SENATE BILL 1023

AN ACT

AMENDING 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; penalties; classification; definition

6 A. A person is guilty of causing serious physical injury or death by a
7 moving violation if the person violates any one of the following and the
8 violation results in an accident causing serious physical injury ~~as defined~~
9 ~~in section 13-105~~ or death to another person:

- 10 1. Section 28-645, subsection A, paragraph 3, subdivision (a).
- 11 2. SECTION 28-729.
- 12 3. SECTION 28-771.
- 13 ~~2-~~ 4. Section 28-772.
- 14 5. SECTION 28-773.
- 15 ~~3-~~ 6. Section 28-792.
- 16 ~~4-~~ 7. Section 28-794.
- 17 ~~5-~~ 8. Section 28-797, subsection F, G, H or I.
- 18 ~~6-~~ 9. Section 28-855, subsection B.
- 19 ~~7-~~ 10. Section 28-857, subsection A.

20 B. A person who violates this section shall attend and successfully
21 complete traffic survival school training and educational sessions that are
22 designed to improve the safety and habits of drivers and that are approved by
23 the department. In addition, the court may order the person to perform
24 community restitution.

25 C. The court shall report a conviction for a violation of this section
26 to the department and:

27 1. FOR A FIRST VIOLATION OF THIS SECTION, may direct the department to
28 suspend the person's driving privilege for not more than ninety days if the
29 violation results in serious physical injury ~~as defined in section 13-105~~ and
30 not more than one hundred eighty days if the violation results in death.

31 2. FOR A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION WITHIN A
32 PERIOD OF THIRTY-SIX MONTHS, SHALL DIRECT THE DEPARTMENT TO SUSPEND THE
33 PERSON'S DRIVING PRIVILEGE FOR NINETY DAYS IF THE VIOLATION RESULTS IN
34 SERIOUS PHYSICAL INJURY AND ONE HUNDRED EIGHTY DAYS IF THE VIOLATION RESULTS
35 IN DEATH.

36 D. If a person's driving privilege is suspended pursuant to any other
37 statute because of an incident involving a violation of this section, the
38 suspension period prescribed in subsection C of this section shall run
39 concurrently with the other suspension period.

40 E. If a person fails to successfully complete traffic survival school
41 training and educational sessions or perform community restitution pursuant
42 to this section, the court shall notify the department and the department
43 shall promptly suspend the driver license or permit of the driver or the
44 privilege of a nonresident to drive a motor vehicle in this state until the
45 order is satisfied.

1 F. If the person who suffers serious physical injury as a result of a
2 violation of this section appears before the court in which the action is
3 pending at any time before trial and acknowledges receipt of satisfaction for
4 the injury, on payment of the costs incurred, the court shall order that the
5 prosecution be dismissed and the defendant be discharged. The reasons for
6 the order shall be set forth and entered of record, and the order shall be a
7 bar to another prosecution for the same offense.

8 G. Restitution awarded pursuant to section 13-603 as a result of a
9 violation of this section shall not exceed ten thousand dollars.

10 H. A person who violates this section is guilty of a class 3
11 misdemeanor, except that if the violation results in the death of another
12 person the maximum fine for the person shall be one thousand dollars.

13 I. FOR THE PURPOSES OF THIS SECTION, "SERIOUS PHYSICAL INJURY" HAS THE
14 SAME MEANING PRESCRIBED IN SECTION 13-105.

15 Sec. 2. Section 28-675, Arizona Revised Statutes, is amended to read:
16 28-675. Causing death by use of a vehicle; classification

17 A. A person is guilty of causing death by use of a vehicle if all of
18 the following apply:

19 1. The person is not allowed to operate a motor vehicle pursuant to
20 subsection B of this section.

21 2. While operating a motor vehicle, the person causes the death of
22 another person.

23 3. The person commits a violation of any of the following:

24 (a) Section 28-645, subsection A, paragraph 3, subdivision (a).

25 (b) SECTION 28-729.

26 (c) SECTION 28-771.

27 ~~(d)~~ (d) Section 28-772.

28 (e) SECTION 28-773.

29 ~~(e)~~ (f) Section 28-792.

30 ~~(d)~~ (g) Section 28-794.

31 ~~(e)~~ (h) Section 28-797, subsection F, G, H or I.

32 ~~(f)~~ (i) Section 28-855, subsection B.

33 ~~(g)~~ (j) Section 28-857, subsection A.

34 B. For the purposes of this section, a person shall not operate a
35 motor vehicle if any of the following applies:

36 1. The person's driving privilege is revoked for any reason.

37 2. The person's driving privilege is suspended for any reason pursuant
38 to chapter 4, article 3 of this title.

39 3. The person's driving privilege is suspended pursuant to section
40 28-1321.

41 4. The person's driving privilege is suspended pursuant to the
42 department's action based on a previous conviction for a violation of section
43 28-3473.

44 5. The person's driving privilege is suspended pursuant to section
45 28-3306, subsection A, paragraph 3.

1 (c) Knowingly conceals a material fact.

2 (d) Commits fraud.

3 (e) Violates section 28-3479.

4 7. THE PERSON DOES NOT HAVE A VALID DRIVER LICENSE AND A PROPER
5 ENDORSEMENT, IF REQUIRED, AS PRESCRIBED BY CHAPTER 8 OF THIS TITLE AND THE
6 PERSON IS NOT EXEMPT PURSUANT TO CHAPTER 8 OF THIS TITLE.

7 C. Causing serious physical injury by use of a vehicle is a class 5
8 felony.

APPROVED BY THE GOVERNOR APRIL 26, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 27, 2010.

Passed the House April 19, 2010,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate February 22, 2010,

by the following vote: 25 Ayes,

5 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

20 day of April, 2010,

at 2:40 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 26th day of

April, 2010.

at 5:42 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 27th day of April, 2010,

at 12:10 o'clock P. M.

[Signature]
Secretary of State

S.B. 1023