

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

Senate Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

CHAPTER 185

# **SENATE BILL 1030**

AN ACT

AMENDING SECTIONS 28-3473 AND 28-4149, ARIZONA REVISED STATUTES; RELATING TO  
DRIVER LICENSE VIOLATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-3473, Arizona Revised Statutes, is amended to  
3 read:

4 28-3473. Driving violations; classification

5 A. Except as provided in subsection B or C of this section, A person  
6 who drives a motor vehicle on a public highway when the person's privilege to  
7 drive a motor vehicle is suspended, revoked, canceled or refused or when the  
8 person is disqualified from driving is guilty of a class 1 misdemeanor.

9 ~~B. A person who drives a motor vehicle on a public highway when the  
10 person's privilege to drive a motor vehicle is restricted, suspended,  
11 revoked, disqualified, canceled or refused for a violation of section  
12 28-1381, 28-1382 or 28-1383, under section 28-1385 or as a result of a  
13 conviction for an act in another jurisdiction that if committed in this state  
14 is a violation of section 28-1381, 28-1382 or 28-1383 is guilty of a class 1  
15 misdemeanor and shall be sentenced to serve at least forty eight consecutive  
16 hours in jail. A judge shall not grant probation, pardon, commutation or  
17 suspension of sentence or release on any basis other than on the condition  
18 that the person serve at least forty eight consecutive hours in jail.~~

19 ~~C. A person who drives a motor vehicle on a public highway when the  
20 person's privilege to do so is suspended pursuant to either section 28-1601  
21 or 28-3308 is guilty of a class 1 misdemeanor. For a first conviction under  
22 this subsection, the court shall impose a fine of at least three hundred  
23 dollars, except that on proper evidence of payment of a civil penalty imposed  
24 by the court for the original civil violation that resulted in the  
25 suspension, the court shall impose a fine of at least fifty dollars. For a  
26 second or subsequent conviction under this subsection within one year after  
27 the date of the first conviction, the court shall impose a fine of at least  
28 five hundred dollars. A judge shall not grant probation to or suspend any  
29 part or all of the imposition or execution of a sentence required by this  
30 subsection, except on the condition that the person pay not less than the  
31 stated fine. A judge shall not dismiss an action brought under this  
32 subsection only because the defendant has paid the civil penalty that  
33 resulted in the suspension.~~

34 ~~D. B.~~ Except for a suspension pursuant to section 28-1601 or 28-3308,  
35 on receipt of a record of the conviction of a person under this section, the  
36 department shall:—

37 ~~1. Extend the period of the suspension for an additional like period  
38 but not more than one year from the date the person would otherwise be  
39 entitled to apply for a new license if the conviction was for a charge of  
40 driving a vehicle while the driver license privilege of the person was  
41 suspended. NOTIFY A PERSON WHO IS ELIGIBLE FOR A RESTRICTED PRIVILEGE TO  
42 DRIVE PURSUANT TO THIS SECTION THAT THE PERSON IS ELIGIBLE. THE DEPARTMENT  
43 SHALL ISSUE A LICENSE THAT RESTRICTS THE PERSON'S PRIVILEGE TO DRIVE AS  
44 FOLLOWS:~~

1           1. BETWEEN THE PERSON'S PLACE OF EMPLOYMENT AND RESIDENCE DURING  
2 SPECIFIED PERIODS OF TIME WHILE AT EMPLOYMENT.

3           2. BETWEEN THE PERSON'S PLACE OF RESIDENCE, THE PERSON'S PLACE OF  
4 EMPLOYMENT AND THE PERSON'S SECONDARY OR POSTSECONDARY SCHOOL ACCORDING TO  
5 THE PERSON'S EMPLOYMENT OR EDUCATIONAL SCHEDULE.

6           3. BETWEEN THE PERSON'S PLACE OF RESIDENCE AND A SCREENING, EDUCATION  
7 OR TREATMENT FACILITY FOR SCHEDULED APPOINTMENTS.

8           4. BETWEEN THE PERSON'S PLACE OF RESIDENCE AND THE OFFICE OF THE  
9 PERSON'S PROBATION OFFICER FOR SCHEDULED APPOINTMENTS.

10          5. BETWEEN THE PERSON'S PLACE OF RESIDENCE AND THE OFFICE OF A  
11 PHYSICIAN OR OTHER HEALTH CARE PROFESSIONAL.

12          6. BETWEEN THE PERSON'S PLACE OF RESIDENCE AND A CERTIFIED IGNITION  
13 INTERLOCK DEVICE SERVICE FACILITY.

14          C. ON APPLICATION, THE DEPARTMENT SHALL ISSUE A DRIVER LICENSE THAT  
15 RESTRICTS A PERSON'S PRIVILEGE TO DRIVE PURSUANT TO SUBSECTION B OF THIS  
16 SECTION AND THAT IS VALID FOR ONE YEAR ONLY IF ALL OF THE FOLLOWING APPLY:

17           1. THE PERSON HAS COMPLETED ALL REQUIREMENTS OF THE SENTENCE IMPOSED  
18 BY THE COURT.

19           2. THE PERSON HAS SATISFIED ALL SUSPENSION PERIODS IMPOSED ON THE  
20 PERSON'S DRIVER LICENSE AS A RESULT OF THE CONVICTION OF OR A FINDING OF  
21 RESPONSIBILITY FOR A VIOLATION OF ANY PROVISION OF THIS TITLE EXCEPT THIS  
22 SECTION.

23           3. THE PERSON PAYS THE APPLICABLE REINSTATEMENT FEE PRESCRIBED BY  
24 SECTION 28-3002.

25           ~~2. Not issue a new license for an additional period of one year from  
26 and after the date the person otherwise would have been entitled to apply for  
27 a new license if the conviction was for a charge of driving while the driver  
28 license privilege was revoked.~~

29           ~~E. If the department receives a record of the conviction of a person  
30 on a charge of driving a commercial motor vehicle while the person was  
31 disqualified from driving a commercial motor vehicle, the department shall  
32 promptly extend the period of the disqualification for not more than one year  
33 from the date the person would otherwise have been eligible to apply for a  
34 new commercial driver license as defined in section 28-3001.~~

35           ~~F. If the department receives a record of the conviction of a person  
36 on a charge of driving a motor vehicle while the person's driver license  
37 privilege was cancelled, the department shall promptly suspend the person's  
38 driver license privilege for a period of not less than:~~

39           ~~1. Three months for the first conviction;~~

40           ~~2. Six months for a second or subsequent conviction.~~

41          Sec. 2. Section 28-4149, Arizona Revised Statutes, is amended to read:

42          28-4149. Suspension; notice of intent

43          A. If the department determines from information provided by an  
44 insurer or department records that a motor vehicle liability policy has been  
45 cancelled or has not been renewed as provided in section 28-4148 and pursuant

1 to a schedule prescribed by the director, the department shall send the  
2 registered owner or lessee a notice of intent to suspend the license plate  
3 and registration of the vehicle.

4 B. On receiving evidence of financial responsibility as prescribed in  
5 this article, the department shall immediately delete the cancellation or  
6 nonrenewal from the record.

7 C. If the registered owner or lessee fails to provide evidence of  
8 financial responsibility as prescribed in this section within fifteen days of  
9 the mailing date of the notice of intent to suspend the registration and  
10 license plate of the vehicle, the department shall notify the owner or lessee  
11 that the license plate and registration of the vehicle have been suspended.  
12 If the owner or lessee at a later date provides evidence that liability  
13 insurance coverage meeting the requirements of this article was in effect  
14 before the effective date of the suspension or provides evidence of  
15 compliance with section 28-4152 before the effective date of the suspension,  
16 the department shall void the suspension.

17 D. If the owner's or lessee's motor vehicle registration privilege and  
18 license plate are suspended, the department shall not terminate the  
19 suspension, except as provided in subsection C of this section, until proof  
20 of financial responsibility pursuant to article 3- 1 OR 2 of this chapter is  
21 filed with the department.

22 Sec. 3. Restricted driving privilege

23 If on January 1, 2011 a person's driver license is suspended pursuant  
24 to section 28-3473, Arizona Revised Statutes, the person may request that the  
25 department restrict the person's privilege to drive as described in section  
26 28-3473, subsection B, Arizona Revised Statutes, as amended by this act.

27 Sec. 4. Effective date

28 This act is effective from and after December 31, 2010.

APPROVED BY THE GOVERNOR APRIL 27, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.

Passed the House April 20, 2010,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

Passed the Senate March 25, 2010,

by the following vote: 29 Ayes,

0 Nays, 1 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  
21 day of April, 2010,

at 2:00 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 27<sup>th</sup> day of

April, 2010,

at 3:23 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 28<sup>th</sup> day of April, 2010,

at 8:32 o'clock a M.

[Signature]  
Secretary of State

S.B. 1030