

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 241

HOUSE BILL 2428

AN ACT

AMENDING SECTIONS 28-3158, 28-3165, 28-3166, 28-3170, 38-610, 41-601 AND 41-608.04, ARIZONA REVISED STATUTES; AMENDING LAWS 2008, CHAPTER 243, SECTION 6; RELATING TO VETERANS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-3158, Arizona Revised Statutes, is amended to
3 read:

4 28-3158. Driver license or instruction permit application

5 A. A person who applies for an instruction permit or for a driver
6 license shall use a form furnished by the department.

7 B. An applicant shall pay the fee prescribed by section 28-3002 for a
8 driver license or for an instruction permit issued under section 28-3154,
9 28-3155, 28-3156 or 28-3225. Payment of the fee required by this section
10 entitles the applicant to not more than three attempts to pass the written
11 examination or road test within twelve months from the date of the
12 application. The department shall refund an application fee pursuant to
13 section 28-373. An applicant who submits documentation of successful
14 completion of a driver education course approved by the department is not
15 required to take the road test.

16 C. An applicant for an instruction permit or a driver license shall
17 give the department satisfactory proof of the applicant's full legal name,
18 date of birth, sex and residence address and that the applicant's presence in
19 the United States is authorized under federal law.

20 D. The application for an instruction permit or a driver license shall
21 state the following:

22 1. A brief description of the applicant and any other identifying
23 information required by the department.

24 2. Whether the applicant has been licensed, and if so, the type of
25 license issued, when the license was issued and what state or country issued
26 the license.

27 3. Whether the license was suspended or revoked or whether an
28 application was ever refused, and if so, the date of and reason for the
29 suspension, revocation or refusal.

30 4. If the applicant was never licensed, the applicant's last previous
31 state or country of residence.

32 5. The social security number of the applicant unless the application
33 is for a nonresident commercial driver license.

34 E. The department shall:

35 1. Verify that a social security number provided by an applicant is a
36 valid number assigned to that applicant.

37 2. Retain the social security number in its records.

38 F. The social security number provided to the department pursuant to
39 subsection D of this section for an applicant's driver license or instruction
40 permit shall not appear on an applicant's driver license or instruction
41 permit unless the applicant requests that the social security number appear
42 on the applicant's driver license or instruction permit as the driver license
43 or instruction permit number. Except as provided in sections 28-455 and
44 41-1954, the department shall not release the social security number to any
45 person unless the applicant requests that the social security number appear

1 on the applicant's driver license or instruction permit as the driver license
2 or instruction permit number. The provisions of this subsection shall be
3 included in each application.

4 G. The department may adopt and implement procedures to deny a driver
5 license or instruction permit to a person who has been deported. The
6 department may adopt and implement procedures to reinstate a person's
7 privilege to apply for a driver license or permit if the person's legal
8 presence status is restored.

9 H. On request of an applicant, the department shall allow the
10 applicant to provide on the license or permit a post office box address that
11 is regularly used by the applicant.

12 I. The department may request an applicant who appears in person for a
13 license, a duplicate license or reinstatement of a driving privilege to
14 complete satisfactorily the vision screening prescribed by the department.

15 J. IF A DRIVER LICENSE APPLICANT SUBMITS SATISFACTORY PROOF TO THE
16 DEPARTMENT THAT THE APPLICANT IS A VETERAN, ON REQUEST OF THE APPLICANT, THE
17 DEPARTMENT SHALL ALLOW A DISTINGUISHING MARK TO APPEAR ON THE LICENSE THAT
18 IDENTIFIES THE PERSON AS A VETERAN.

19 Sec. 2. Section 28-3165, Arizona Revised Statutes, is amended to read:
20 28-3165. Nonoperating identification license; immunity; rules;
21 emancipated minors

22 A. On receipt of an application from a person who does not have a
23 valid driver license issued by this state or whose driving privilege is
24 suspended, the department shall issue a nonoperating identification license
25 that contains a distinguishing number assigned to the licensee, the full
26 legal name, the date of birth, the residence address and a brief description
27 of the licensee and either a facsimile of the signature of the licensee or a
28 space on which the licensee is required to write the licensee's usual
29 signature with pen and ink. A nonoperating identification license that is
30 issued to a person whose driving privilege is suspended shall not be valid
31 for more than one hundred eighty days from the date of issuance.

32 B. On request of an applicant: —

33 1. The department shall allow the applicant to provide on the
34 nonoperating identification license a post office box address that is
35 regularly used by the applicant.

36 2. IF THE APPLICANT SUBMITS SATISFACTORY PROOF TO THE DEPARTMENT THAT
37 THE APPLICANT IS A VETERAN, THE DEPARTMENT SHALL ALLOW A DISTINGUISHING MARK
38 TO APPEAR ON THE NONOPERATING IDENTIFICATION LICENSE THAT IDENTIFIES THAT
39 PERSON AS A VETERAN.

40 C. A person who is issued a license pursuant to this section shall use
41 it only for identification purposes of the licensee. The nonoperating
42 identification license does not grant authority to operate a motor vehicle in
43 this state. The department shall clearly label the nonoperating
44 identification license "for identification only, not for operation of a motor
45 vehicle".

1 D. On issuance of a driver license, the holder of a nonoperating
2 identification license shall surrender the nonoperating identification
3 license to the department and the department shall not refund any fee paid
4 for the issuance of the nonoperating identification license.

5 E. A nonoperating identification license shall contain the photograph
6 of the licensee. The department shall use a process in the issuance of
7 nonoperating identification licenses that prohibits as nearly as possible the
8 ability to superimpose a photograph on the license without ready detection.
9 The department shall process nonoperating identification licenses and photo
10 attachments in color.

11 F. On application, an applicant shall give the department satisfactory
12 proof of the applicant's full legal name, date of birth, sex and residence
13 address and that the applicant's presence in the United States is authorized
14 under federal law. The application shall briefly describe the applicant,
15 state whether the applicant has been licensed, and if so, the type of license
16 issued, when and by what state or country and whether any such license is
17 under suspension, revocation or cancellation. The application shall contain
18 other identifying information required by the department.

19 G. The department may adopt and implement procedures to deny a
20 nonoperating identification license to a person who has been deported. The
21 department may adopt and implement procedures to reinstate a person's
22 privilege to apply for a nonoperating identification license if the person's
23 legal presence status is restored.

24 H. A nonoperating identification license issued by the department is
25 solely for the use and convenience of the applicant for identification
26 purposes.

27 I. The department shall adopt rules and establish fees for issuance of
28 a nonoperating identification license, except that the department shall not
29 require an examination.

30 J. A person who is sixty-five years of age or older and a person who
31 is a recipient of public monies as a disabled individual under title XVI of
32 the social security act, as amended, are exempt from the fees established
33 pursuant to this section.

34 K. If a person qualifies for a nonoperating identification license and
35 is under the legal drinking age, the department shall issue a license that is
36 marked by color, code or design to immediately distinguish it from a
37 nonoperating identification license issued to a person of legal drinking age.
38 The department shall indicate on the nonoperating identification license
39 issued pursuant to this subsection the year in which the person will attain
40 the legal drinking age.

41 L. If a minor has been emancipated pursuant to title 12, chapter 15,
42 on application and proof of emancipation, the department shall issue a
43 nonoperating identification license that contains the words "emancipated
44 minor".

1 Sec. 3. Section 28-3166, Arizona Revised Statutes, is amended to read:
2 28-3166. Driver license content and application; marked
3 licenses; emancipated minors

4 A. The department shall issue a driver license to a qualified
5 applicant. The driver license shall contain a distinguishing number assigned
6 to the licensee, the license class, any endorsements, the licensee's full
7 name, date of birth and residence address, a brief description of the
8 licensee and either a facsimile of the signature of the licensee or a space
9 on which the licensee is required to write the licensee's usual signature
10 with pen and ink. A driver license is not valid until it is signed by the
11 licensee. On request of an applicant: —

12 1. The department shall allow the applicant to provide on the driver
13 license a post office box address that is regularly used by the applicant and
14 that is located in the county in which the applicant resides.

15 2. IF THE APPLICANT SUBMITS SATISFACTORY PROOF TO THE DEPARTMENT THAT
16 THE APPLICANT IS A VETERAN, THE DEPARTMENT SHALL ALLOW A DISTINGUISHING MARK
17 TO APPEAR ON THE LICENSE THAT IDENTIFIES THE PERSON AS A VETERAN.

18 B. An application for a driver license and the driver license issued
19 shall contain the photo image of the applicant or licensee. The department
20 shall use a process in the issuance of driver licenses that prohibits as
21 nearly as possible the ability to alter or reproduce the license or that
22 prohibits the ability to superimpose a photo image on the license without
23 ready detection. The department shall process driver licenses and photo
24 images in color. This subsection does not apply to a driver license that is
25 renewed by mail pursuant to section 28-3172.

26 C. An applicant who is sixteen or older but under twenty-four years of
27 age shall provide the department with satisfactory proof of the applicant's
28 legal name and date of birth.

29 D. If a person is qualified for a driver license and is under the
30 legal drinking age, the department shall issue a license that is marked by
31 color, code or design to immediately distinguish it from a license issued to
32 a person of legal drinking age. The department shall indicate on the driver
33 license issued pursuant to this subsection the year in which the person will
34 attain the legal drinking age.

35 E. The department shall mark a special ignition interlock restricted
36 driver license issued pursuant to chapter 4, article 3.1 of this title by
37 color, code or design to immediately distinguish it from other licenses
38 issued by the department.

39 F. If a person is qualified for a driver license but is subject to the
40 certified ignition interlock device limitations prescribed in section
41 28-1381, 28-1382, 28-1383 or 28-3319, the department shall issue a license
42 that is marked by color, code or design to immediately distinguish it from
43 other licenses issued by the department.

44 G. The department shall not include information in the magnetic stripe
45 and bar code of a driver license other than information that the department

1 is authorized to obtain and place on a driver license pursuant to this
2 article.

3 H. If a minor has been emancipated pursuant to title 12, chapter 15,
4 on application and proof of emancipation, the department shall issue a driver
5 license that contains the words "emancipated minor".

6 Sec. 4. Section 28-3170, Arizona Revised Statutes, is amended to read:
7 28-3170. Duplicate permit or license

8 A. If an instruction permit or driver license issued under this
9 chapter is lost, destroyed or made illegible, if the name or address of the
10 applicant changes or if a new photo image is desired, the person to whom the
11 permit or license was issued may obtain a duplicate, update or substitute of
12 the permit or license, on payment of the fee required by section 28-3002.

13 B. IF A PERSON HOLDS A DRIVER LICENSE AND WANTS A DISTINGUISHING MARK
14 ON THE LICENSE THAT IDENTIFIES THE PERSON AS A VETERAN, THE PERSON MAY OBTAIN
15 AN UPDATE OR SUBSTITUTE OF THE LICENSE AFTER BOTH OF THE FOLLOWING:

16 1. SUBMITTING SATISFACTORY PROOF TO THE DEPARTMENT THAT THE APPLICANT
17 IS A VETERAN.

18 2. PAYING THE FEE REQUIRED BY SECTION 28-3002, SUBSECTION A,
19 PARAGRAPH 7.

20 Sec. 5. Section 38-610, Arizona Revised Statutes, is amended to read:
21 38-610. Leave of absence for certain federal training;
22 definition

23 A. The officers and employees of this state, any county, city or town
24 or any agency or political subdivision of this state, ~~OR a county, city or~~
25 ~~town,~~ shall be granted leaves of absence from their duties without loss of
26 time, pay or efficiency rating:

27 1. On all days during which they are employed on training duty or to
28 attend camps, maneuvers, formations or drills under orders with any branch,
29 ~~OR reserve or auxiliary~~ of the armed forces of the United States for a period
30 of not to exceed thirty days in any two consecutive years.

31 2. On all days during which they are employed on training duty by the
32 national disaster medical system under the United States department of health
33 and human services.

34 B. For the purposes of subsection A, paragraph 1, an officer or
35 employee shall not be charged military leave for days on which the individual
36 was not otherwise scheduled for work. The period of time spent in training
37 under orders shall not be deducted from the vacation period with pay to which
38 any officer or employee is otherwise entitled.

39 C. For the purposes of this section, "year" means the fiscal year of
40 the United States government.

41 Sec. 6. Section 41-601, Arizona Revised Statutes, is amended to read:
42 41-601. Definitions

43 In this article, unless the context otherwise requires:

44 1. "Commission" means the Arizona veterans' service advisory
45 commission.

1 2. "Department" means the department of veterans' services.

2 3. "Director" means the director of the department of veterans'
3 services.

4 4. "Veteran" means a citizen of the United States who was ~~regularly~~
5 enlisted, drafted, inducted or commissioned and who was accepted for and
6 assigned to active duty in the armed forces of the United States.

7 Sec. 7. Section 41-608.04, Arizona Revised Statutes, is amended to
8 read:

9 41-608.04. Military family relief fund; advisory committee

10 A. The military family relief fund is established through December 31,
11 2018. The fund consists of private donations, grants, bequests and any other
12 monies received for that purpose. The department shall administer the fund.
13 On notice from the director, the state treasurer shall invest and divest
14 monies in the fund as provided by section 35-313, and monies earned from
15 investment shall be credited to the fund. The monies in the fund are
16 continuously appropriated to the department solely for the purposes described
17 in this section. Any monies remaining unexpended and unencumbered on
18 December 31, 2018 shall be transferred for deposit in the veterans' donations
19 fund established by section 41-608.

20 B. The military family relief advisory committee is established to
21 determine appropriate uses of the monies in the military family relief fund
22 as provided by this section. The advisory committee consists of the director
23 or the director's designee and twelve additional members, including widows
24 and widowers of military personnel who died in the line of duty, military
25 retirees, veterans who have a service-connected disability and their family
26 members, Arizona army and air national guard unit commanders and active and
27 retired senior enlisted military personnel. Except for the director, the
28 governor shall appoint the members based on recommendations by the director,
29 the adjutant general and commanders of military bases in this state.
30 Appointed members serve at the pleasure of the governor. The advisory
31 committee shall elect a chairperson from among the appointed members.

32 C. The advisory committee shall:

33 1. Establish criteria for the use of monies in the fund.

34 2. Establish and revise as necessary the application process for
35 financial assistance.

36 3. Review and evaluate applications.

37 4. Make other recommendations as necessary.

38 D. The advisory committee may establish a subcommittee, consisting of
39 not more than five members of the full committee, to recommend approval of a
40 grant to an applicant of not more than three thousand dollars.

41 E. Notwithstanding section 38-431.03, the subcommittee may meet in
42 executive session without advance notice. The full advisory committee may
43 meet in executive session, with notice pursuant to section 38-431.02, to
44 review and evaluate applications or review recommendations of the

1 subcommittee. Applications for financial assistance and all committee
2 considerations and evaluations of the applications are confidential.

3 F. The monies in the fund shall be used to provide financial
4 assistance pursuant to this subsection. The service member of an applying
5 family must have been deceased, wounded or injured or become seriously ill
6 after September 11, 2001, been deployed from a military base in this state ~~or~~
7 ~~entered active United States military service from this state after September~~
8 ~~11, 2001~~, claimed this state as the service member's home of record or been a
9 member of the Arizona national guard at the time of deployment. If
10 discharged from military service, the service member must have been
11 discharged under honorable conditions. The assistance shall be based on
12 financial need up to ten thousand dollars per family. Eligible assistance is
13 as follows:

14 1. Widows, widowers or dependent children of service members who died
15 in the line of duty in a combat zone or a zone where the person was receiving
16 hazardous duty pay may apply for a stipend for living expenses for up to six
17 months. For the purposes of the stipend, qualifying living expenses are
18 residential mortgage, rent and utility payments and other basic living
19 expenses. Payments with respect to any deceased person under this paragraph
20 are limited to a total of ten thousand dollars.

21 2. An immediate family member may apply for payment of costs of
22 temporary residence near the medical facility where the service member or
23 former service member is being treated, including living, travel and housing
24 expenses. Payments may be payable in monthly installments as long as the
25 person is hospitalized or receiving medical care or rehabilitation services
26 as authorized by military or veterans' medical personnel.

27 3. An immediate family member, service member or former service member
28 may apply for:

29 (a) Living expenses.

30 (b) Other appropriate expenses as determined by the military family
31 relief advisory committee.

32 G. The director may allocate up to five per cent of the donations
33 received for administering the fund and the financial assistance program
34 under this section including the hiring of an employee to process
35 applications and provide support to the committee. The department shall
36 provide reasonable office space and other necessary resources for the
37 employee.

38 H. The director shall receive private donations for deposit in the
39 fund and issue receipts to the donors. Private donations may qualify for the
40 purposes of income tax credits under section 43-1086. The director may
41 receive donations in any amount, but donations that qualify for tax credits
42 are subject to the limits prescribed by section 43-1086. Donations to the
43 fund that otherwise qualify under the tax credit limits prescribed by section
44 43-1086 but that exceed a combined total of one million dollars in any
45 calendar year, on a first come first served basis, do not qualify for the

1 income tax credits. The director shall provide the taxpayer a donation
2 receipt, which shall include the taxpayer's full name and address, the last
3 four digits of the taxpayer's social security number and the amount of the
4 donation. The director shall designate on the donation receipt whether the
5 donation qualifies under the limits prescribed by this subsection and section
6 43-1086. The director shall send a record of receipts that qualify under
7 this subsection to the department of revenue.

8 I. On or before March 31 of each year, the director shall provide for
9 an audit by an independent certified public accountant of the fund and of the
10 aggregate amount authorized by the director for income tax credits under
11 subsection H of this section. The director shall promptly submit a certified
12 copy of the audit to the auditor general. The auditor general may make
13 further audits and examinations as necessary and may take appropriate action
14 relating to the audit or examination pursuant to chapter 7, article 10.1 of
15 this title. If the auditor general does not take further action within
16 thirty days after the audit is filed, the audit is considered to be
17 sufficient. The director shall pay the costs of the certified public
18 accountant and the auditor general from the administration allocation under
19 subsection G of this section.

20 Sec. 8. Laws 2008, chapter 243, section 6 is amended to read:

21 Sec. 6. Delayed repeal

22 A. Section 41-608.04, Arizona Revised Statutes, is repealed from and
23 after December 31, 2013 2018.

24 B. Section 43-1086, Arizona Revised Statutes, is repealed from and
25 after December 31, 2012.

APPROVED BY THE GOVERNOR APRIL 11, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 12, 2012.

Passed the House February 21, 2012

Passed the Senate April 3, 2012

by the following vote: 57 Ayes,

by the following vote: 29 Ayes,

0 Nays, 2 Not Voting
1 vacant

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
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. 2428

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 9, 2012

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting


Speaker of the House


Cheryl Laube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

9 day of April, 2012,

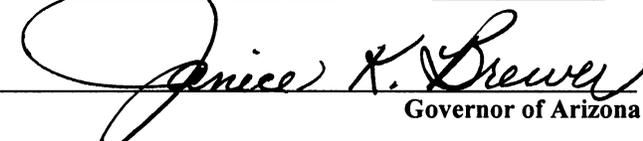
at 4:00 o'clock P M.


Secretary to the Governor

Approved this 11th day of

April, 2012.

at 2:00 o'clock P M.


Governor of Arizona

H.B. 2428

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 12th day of April, 2012,

at 8:07 o'clock a M.


Secretary of State