

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

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

CHAPTER 252

HOUSE BILL 2286

AN ACT

AMENDING SECTIONS 28-3473 AND 28-3511, 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; restricted
5 privilege to drive

6 A. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, a person who
7 drives a motor vehicle on a public highway when the person's privilege to
8 drive a motor vehicle is suspended, revoked, canceled or refused or when the
9 person is disqualified from driving is guilty of a class 1 misdemeanor. IF
10 THE SUSPENSION IS PURSUANT TO SECTION 28-1601 AND THE PERSON PRESENTS TO THE
11 COURT EVIDENCE THAT THE PERSON'S PRIVILEGE TO DRIVE HAS BEEN REINSTATED, THE
12 COURT MAY DISMISS THE CHARGE OF DRIVING UNDER A SUSPENDED DRIVER LICENSE.

13 B. Except for a suspension pursuant to section 28-1601 or 28-3308, on
14 receipt of a record of the conviction of a person under this section, the
15 department shall notify a person who is eligible for a restricted privilege
16 to drive pursuant to this section that the person is eligible. The
17 department shall issue a license that restricts the person's privilege to
18 drive as follows:

19 1. Between the person's place of employment and residence during
20 specified periods of time while at employment.

21 2. Between the person's place of residence, the person's place of
22 employment and the person's secondary or postsecondary school according to
23 the person's employment or educational schedule.

24 3. Between the person's place of residence and a screening, education
25 or treatment facility for scheduled appointments.

26 4. Between the person's place of residence and the office of the
27 person's probation officer for scheduled appointments.

28 5. Between the person's place of residence and the office of a
29 physician or other health care professional.

30 6. Between the person's place of residence and a certified ignition
31 interlock device service facility.

32 C. On application, the department shall issue a driver license that
33 restricts a person's privilege to drive pursuant to subsection B of this
34 section and that is valid for one year only if all of the following apply:

35 1. The person has completed all requirements of the sentence imposed
36 by the court.

37 2. The person has satisfied all suspension periods imposed on the
38 person's driver license as a result of the conviction of or a finding of
39 responsibility for a violation of any provision of this title except this
40 section.

41 3. The person pays the applicable reinstatement fee prescribed by
42 section 28-3002.

1 Sec. 2. Section 28-3511, Arizona Revised Statutes, is amended to read:
2 28-3511. Removal and immobilization or impoundment of vehicle

3 A. A peace officer shall cause the removal and either immobilization
4 or impoundment of a vehicle if the peace officer determines that a person is
5 driving the vehicle while any of the following applies:

6 1. EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH, the person's
7 driving privilege is suspended or revoked for any reason. A PEACE OFFICER
8 SHALL NOT CAUSE THE REMOVAL AND EITHER IMMOBILIZATION OR IMPOUNDMENT OF A
9 VEHICLE PURSUANT TO THIS PARAGRAPH IF THE PERSON'S PRIVILEGE TO DRIVE IS
10 VALID IN THIS STATE.

11 2. The person has not ever been issued a valid driver license or
12 permit by this state and the person does not produce evidence of ever having
13 a valid driver license or permit issued by another jurisdiction. This
14 paragraph does not apply to the operation of an implement of husbandry.

15 3. The person is subject to an ignition interlock device requirement
16 pursuant to chapter 4 of this title and the person is operating a vehicle
17 without a functioning certified ignition interlock device. This paragraph
18 does not apply to a person operating an employer's vehicle or the operation
19 of a vehicle due to a substantial emergency as defined in section 28-1464.

20 4. In furtherance of the illegal presence of an alien in the United
21 States and in violation of a criminal offense, the person is transporting or
22 moving or attempting to transport or move an alien in this state in a vehicle
23 if the person knows or recklessly disregards the fact that the alien has come
24 to, has entered or remains in the United States in violation of law.

25 5. The person is concealing, harboring or shielding or attempting to
26 conceal, harbor or shield from detection an alien in this state in a vehicle
27 if the person knows or recklessly disregards the fact that the alien has come
28 to, entered or remains in the United States in violation of law.

29 B. A peace officer shall cause the removal and impoundment of a
30 vehicle if the peace officer determines that a person is driving the vehicle
31 and if all of the following apply:

32 1. The person's driving privilege is canceled, suspended or revoked
33 for any reason or the person has not ever been issued a driver license or
34 permit by this state and the person does not produce evidence of ever having
35 a driver license or permit issued by another jurisdiction.

36 2. The person is not in compliance with the financial responsibility
37 requirements of chapter 9, article 4 of this title.

38 3. The person is driving a vehicle that is involved in an accident
39 that results in either property damage or injury to or death of another
40 person.

41 C. Except as provided in subsection D of this section, while a peace
42 officer has control of the vehicle the peace officer shall cause the removal
43 and either immobilization or impoundment of the vehicle if the peace officer
44 has probable cause to arrest the driver of the vehicle for a violation of
45 section 4-244, paragraph 34 or section 28-1382 or 28-1383.

1 D. A peace officer shall not cause the removal and either the
2 immobilization or impoundment of a vehicle pursuant to subsection C of this
3 section if all of the following apply:

4 1. The peace officer determines that the vehicle is currently
5 registered and that the driver or the vehicle is in compliance with the
6 financial responsibility requirements of chapter 9, article 4 of this title.

7 2. The spouse of the driver is with the driver at the time of the
8 arrest.

9 3. The peace officer has reasonable grounds to believe that the spouse
10 of the driver:

11 (a) Has a valid driver license.

12 (b) Is not impaired by intoxicating liquor, any drug, a vapor
13 releasing substance containing a toxic substance or any combination of
14 liquor, drugs or vapor releasing substances.

15 (c) Does not have any spirituous liquor in the spouse's body if the
16 spouse is under twenty-one years of age.

17 4. The spouse notifies the peace officer that the spouse will drive
18 the vehicle from the place of arrest to the driver's home or other place of
19 safety.

20 5. The spouse drives the vehicle as prescribed by paragraph 4 of this
21 subsection.

22 E. Except as otherwise provided in this article, a vehicle that is
23 removed and either immobilized or impounded pursuant to subsection A, B or C
24 of this section shall be immobilized or impounded for thirty days. An
25 insurance company does not have a duty to pay any benefits for charges or
26 fees for immobilization or impoundment.

27 F. The owner of a vehicle that is removed and either immobilized or
28 impounded pursuant to subsection A, B or C of this section, the spouse of the
29 owner and each person identified on the department's record with an interest
30 in the vehicle shall be provided with an opportunity for an immobilization or
31 poststorage hearing pursuant to section 28-3514.

APPROVED BY THE GOVERNOR APRIL 12, 2012.

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

Passed the House March 6, 2012

Passed the Senate April 4, 2012

by the following vote: 44 Ayes,

by the following vote: 28 Ayes,

16 Nays, 0 Not Voting

0 Nays, 2 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. 2286

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 10, 2012,

by the following vote: 39 Ayes,

20 Nays, 1 Not Voting

[Signature]

Speaker of the House

[Signature]

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

10th day of April, 2012,

at 4:32 o'clock P M.

[Signature]

Secretary to the Governor

Approved this 12th day of

April, 2012,

at 2:00 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2286

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 4:51 o'clock P M.

[Signature]

Secretary of State