Senate Engrossed House Bill

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

CHAPTER 129

HOUSE BILL 2183

AN ACT

AMENDING SECTIONS 28-101, 28-645, 28-647, 28-672, 28-695, 28-3101, 28-3158, 28-3164, 28-3303, 28-3306, 28-3307 AND 28-3321, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 8, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-3323; AMENDING TITLE 28, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7.1; AMENDING SECTION 28-5101, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 13, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-5101.01, 28-5101.02 AND 28-5101.03; AMENDING SECTIONS 28-5102, 28-5104, 28-5107, 28-5108, 28-6991, 32-2351, 32-2353, 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT OF TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 28-101, Arizona Revised Statutes, is amended to read:

28-101. Definitions

In this title, unless the context otherwise requires:

1. "Alcohol" means any substance containing any form of alcohol, including ethanol, methanol, propynol and isopropynol.

2. "Alcohol concentration" if expressed as a percentage means either:

(a) The number of grams of alcohol per one hundred milliliters of blood.

(b) The number of grams of alcohol per two hundred ten liters of breath.

3. "All-terrain vehicle" means either of the following:

(a) A motor vehicle that satisfies all of the following:

(i) Is designed primarily for recreational nonhighway all-terrain travel.

(ii) Is fifty or fewer inches in width.

(iii) Has an unladen weight of one thousand two hundred pounds or less.

(iv) Travels on three or more nonhighway tires.

(v) Has a seat to be straddled by the operator and handlebars for steering control.

(vi) Is operated on a public highway.

(b) A recreational off-highway vehicle that satisfies all of the following:

(i) Is designed primarily for recreational nonhighway all-terrain travel.

(ii) Is sixty-four or fewer inches in width.

(iii) Has an unladen weight of one thousand eight hundred pounds or less.

(iv) Travels on four or more nonhighway tires.

(v) Has a nonstraddle seat and a steering wheel for steering control.

4. "Authorized emergency vehicle" means any of the following:

(a) A fire department vehicle.

(b) A police vehicle.

(c) An ambulance or emergency vehicle of a municipal department or public service corporation that is designated or authorized by the department or a local authority.

(d) Any other ambulance, fire truck or rescue vehicle that is authorized by the department in its sole discretion and that meets liability insurance requirements prescribed by the department.

5. "Aviation fuel" means all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating an internal combustion engine for

use in an aircraft but does not include fuel for jet or turbine powered aircraft.

6. "Bicycle" means a device, including a racing wheelchair, that is propelled by human power and on which a person may ride and that has either:

(a) Two tandem wheels, either of which is more than sixteen inches in diameter.

(b) Three wheels in contact with the ground, any of which is more than sixteen inches in diameter.

7. "Board" means the transportation board.

8. "Bus" means a motor vehicle designed for carrying sixteen or more passengers, including the driver.

9. "Business district" means the territory contiguous to and including a highway if there are buildings in use for business or industrial purposes within any six hundred feet along the highway, including hotels, banks or office buildings, railroad stations and public buildings that occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

10. "Combination of vehicles" means a truck or truck tractor and semitrailer and any trailer that it tows but does not include a forklift designed for the purpose of loading or unloading the truck, trailer or semitrailer.

11. "Controlled substance" means a substance so classified under section 102(6) of the controlled substances act (21 United States Code section 802(6)) and includes all substances listed in schedules I through V of 21 Code of Federal Regulations part 1308.

12. "Conviction" means:

(a) An unvacated adjudication of guilt or a determination that a person violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal.

(b) An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court.

(c) A plea of guilty or no contest accepted by the court.

(d) The payment of a fine or court costs.

13. "County highway" means a public road constructed and maintained by a county.

14. "Dealer" means a person who is engaged in the business of buying, selling or exchanging motor vehicles, trailers or semitrailers and who has an established place of business.

15. "Department" means the department of transportation acting directly or through its duly authorized officers and agents.

16. "Director" means the director of the department of transportation.

17. "Drive" means to operate or be in actual physical control of a motor vehicle.

18. "Driver" means a person who drives or is in actual physical control of a vehicle.

19. "Driver license" means a license that is issued by a state to an individual and that authorizes the individual to drive a motor vehicle.

20. "Electric personal assistive mobility device" means a self-balancing two nontandem wheeled device with an electric propulsion system that limits the maximum speed of the device to fifteen miles per hour or less and that is designed to transport only one person.

21. "Farm" means any lands primarily used for agriculture production.

22. "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing implements of husbandry.

23. "Foreign vehicle" means a motor vehicle, trailer or semitrailer that is brought into this state other than in the ordinary course of business by or through a manufacturer or dealer and that has not been registered in this state.

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

25. "Hazardous material" means a material, and its mixtures or solutions, that the United States department of transportation determines under 49 Code of Federal Regulations is, or any quantity of a material listed as a select agent or toxin under 42 Code of Federal Regulations part 73 that is, capable of posing an unreasonable risk to health, safety and property if transported in commerce and that is required to be placarded or marked as required by the department's safety rules prescribed pursuant to chapter 14 of this title.

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

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

(b) Is only incidentally operated or moved on a highway whether as a trailer or self-propelled unit. For the purposes of this subdivision, "incidentally operated or moved on a highway" means travel between a farm and another part of the same farm, from one farm to another farm or between a farm and a place of repair, supply or storage.

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

28. "Livery vehicle" means a motor vehicle that:

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

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

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

(d) May do any of the following:

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

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

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

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

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

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

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

33. "Motor vehicle":

(a) Means either:

(i) A self-propelled vehicle.

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

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

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

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

34. "Motor vehicle fuel" includes all products that are commonly or commercially known or sold as gasoline, including casinghead gasoline, natural gasoline and all flammable liquids, and that are composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating internal combustion engines. Motor vehicle fuel does not include inflammable liquids that are specifically manufactured for racing motor vehicles and that are distributed for and used

by racing motor vehicles at a racetrack, use fuel as defined in section 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the mixture created at the interface of two different substances being transported through a pipeline, commonly known as transmix.

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

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

(a) The vehicle is emission free.

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

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

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

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

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

40. "Owner" means:

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

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

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

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

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

43. "Public transit" means the transportation of passengers on scheduled routes by means of a conveyance on an individual passenger

fare-paying basis excluding transportation by a sight-seeing bus, school bus or taxi or a vehicle not operated on a scheduled route basis.

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

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

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

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

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

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

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

49. "State" means a state of the United States and the District of Columbia.

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

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

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

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

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

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

54. "TRAFFIC SURVIVAL SCHOOL" MEANS A SCHOOL THAT OFFERS EDUCATIONAL SESSIONS TO DRIVERS WHO ARE REQUIRED TO ATTEND AND SUCCESSFULLY COMPLETE EDUCATIONAL SESSIONS PURSUANT TO THIS TITLE THAT ARE DESIGNED TO IMPROVE THE SAFETY AND HABITS OF DRIVERS AND THAT ARE APPROVED BY THE DEPARTMENT.

~~54.~~ 55. "Trailer" means a vehicle that is with or without motive power, other than a pole trailer, that is designed for carrying persons or property and for being drawn by a motor vehicle and that is constructed so that no part of its weight rests on the towing vehicle. A semitrailer equipped with an auxiliary front axle commonly known as a dolly is deemed to be a trailer. For the purposes of this paragraph, "pole trailer" has the same meaning prescribed in section 28-601.

~~55.~~ 56. "Truck" means a motor vehicle designed or used primarily for the carrying of property other than the effects of the driver or passengers and includes a motor vehicle to which has been added a box, a platform or other equipment for such carrying.

~~56.~~ 57. "Truck tractor" means a motor vehicle that is designed and used primarily for drawing other vehicles and that is not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

~~57.~~ 58. "Vehicle" means a device in, on or by which a person or property is or may be transported or drawn on a public highway, excluding devices moved by human power or used exclusively on stationary rails or tracks.

~~58.~~ 59. "Vehicle transporter" means either:

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

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

Sec. 2. Section 28-645, Arizona Revised Statutes, is amended to read:

28-645. <u>Traffic control signal legend</u>

A. If traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows successively one at a time or in combination, only the colors green, red and yellow shall be used,

except for special pedestrian signals carrying a word legend. The lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. Green indication:

(a) Vehicular traffic facing a green signal may proceed straight through or turn right or left unless a sign at that place prohibits either turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Unless otherwise directed by a pedestrian control signal as provided in section 28-646, pedestrians facing any green signal, except if the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

2. Steady yellow indication:

(a) Vehicular traffic facing a steady yellow signal is warned by the signal that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(b) Unless otherwise directed by a pedestrian control signal as provided in section 28-646, pedestrians facing a steady yellow signal are advised by the signal that there is insufficient time to cross the roadway before a red indication is shown and a pedestrian shall not then start to cross the roadway.

3. Red indication:

(a) Except as provided in subdivisions (b) and (c) of this paragraph, vehicular traffic facing a steady red signal alone shall stop before entering the intersection and shall remain standing until an indication to proceed is shown. On receipt of a record of judgment for a violation of this subdivision or an act in another jurisdiction that if committed in this state would be a violation of this section, the department shall order the person to attend and successfully complete traffic survival school ~~training and~~ educational sessions within sixty days after the department issues the order. Notwithstanding section 28-3315, if the person fails to attend or successfully complete traffic survival school ~~training and~~ educational sessions, the department shall suspend the person's driving privilege pursuant to section 28-3306 until the person attends and successfully completes traffic survival school ~~training and~~ educational sessions. A person whose driving privilege is suspended pursuant to this subdivision may request a hearing. If the person requests a hearing, the department shall

conduct the hearing as prescribed in section 28-3306. A law enforcement officer or a jurisdiction issuing a citation to a person who violates this subdivision shall provide written notice to the person that if eligible, the person may attend defensive driving school or, if not eligible or if the person chooses not to attend defensive driving school and is ~~convicted~~ FOUND RESPONSIBLE or enters a plea of responsible for a violation of this subsection, the person must attend and successfully complete traffic survival school ~~training and~~ educational sessions. The notice shall include a reference to red light violations and state that if the person is required to attend traffic survival school the person will receive notice from the motor vehicle division.

(b) The driver of a vehicle that is stopped in obedience to a red signal and as close as practicable at the entrance to the crosswalk on the near side of the intersection, or if there is no crosswalk, then at the entrance to the intersection, may make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal. A right turn may be prohibited against a red signal at any intersection if a sign prohibiting the turn is erected at the intersection.

(c) The driver of a vehicle on a one-way street that intersects another one-way street on which traffic moves to the left shall stop in obedience to a red signal but may then make a left turn into the one-way street. The driver shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that such left turn may be prohibited if a sign prohibiting the turn is erected at the intersection.

(d) Unless otherwise directed by a pedestrian control signal as provided in section 28-646, a pedestrian facing a steady red signal alone shall not enter the roadway.

B. If an official traffic control signal is erected and maintained at a place other than an intersection, this section applies except as to those provisions of this section that by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of a sign or marking the stop shall be made at the signal.

C. The driver of a vehicle approaching an intersection that has an official traffic control signal that is inoperative shall bring the vehicle to a complete stop before entering the intersection and may proceed with caution only when it is safe to do so. If two or more vehicles approach an intersection from different streets or highways at approximately the same time and the official traffic control signal for the intersection is inoperative, the driver of each vehicle shall bring the vehicle to a complete stop before entering the intersection and the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right.

Sec. 3. Section 28-647, Arizona Revised Statutes, is amended to read:

28-647. Flashing signals

If an illuminated flashing red or yellow signal is used in a traffic sign or signal it requires obedience by vehicular traffic as follows:

1. Flashing red stop signal. If a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line if marked, or if none, then before entering the intersection, and the right to proceed is subject to the rules applicable after making a stop at a stop sign. On receipt of a record of judgment for a violation of this paragraph, the department shall order the person to attend and successfully complete traffic survival school ~~training and~~ educational sessions within sixty days after the department issues the order. Notwithstanding section 28-3315, if the person fails to attend or successfully complete traffic survival school ~~training and~~ educational sessions, the department shall suspend the person's driving privilege pursuant to section 28-3306 until the person attends and successfully completes traffic survival school ~~training and~~ educational sessions. A person whose driving privilege is suspended pursuant to this paragraph may request a hearing. If the person requests a hearing, the department shall conduct the hearing as prescribed in section 28-3306. A law enforcement officer or a jurisdiction issuing a citation to a person who violates this paragraph shall provide written notice to the person that if eligible, the person may attend defensive driving school or, if not eligible or if the person chooses not to attend defensive driving school and is ~~convicted~~ FOUND RESPONSIBLE or enters a plea of responsible for a violation of this paragraph, the person must attend and successfully complete traffic survival school ~~training and~~ educational sessions. The notice shall include a reference to red light violations and state that if the person is required to attend traffic survival school the person will receive notice from the motor vehicle division.

2. Flashing yellow caution signal. If a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

Sec. 4. Section 28-672, Arizona Revised Statutes, is amended to read:

28-672. Causing serious physical injury or death by a moving violation; time limitation; penalties; classification; definition

A. A person is guilty of causing serious physical injury or death by a moving violation if the person violates any one of the following and the violation results in an accident causing serious physical injury or death to another person:

1. Section 28-645, subsection A, paragraph 3, subdivision (a).
2. Section 28-729.
3. Section 28-771.
4. Section 28-772.

5. Section 28-773.
6. Section 28-792.
7. Section 28-794.
8. Section 28-797, subsection F, G, H or I.
9. Section 28-855, subsection B.
10. Section 28-857, subsection A.

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

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

1. For a first violation of this section, may direct the department to suspend the person's driving privilege for not more than ninety days if the violation results in serious physical injury and not more than one hundred eighty days if the violation results in death.

2. For a second or subsequent violation of this section within a period of thirty-six months, shall direct the department to suspend the person's driving privilege for ninety days if the violation results in serious physical injury and one hundred eighty days if the violation results in death.

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

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

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

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

H. A prosecution for a violation of this section must be commenced within two years after actual discovery of the offense by the state or the political subdivision having jurisdiction or discovery by the state or the

political subdivision that should have occurred with the exercise of reasonable diligence, whichever first occurs.

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

J. For the purposes of this section, "serious physical injury" has the same meaning prescribed in section 13-105.

Sec. 5. Section 28-695, Arizona Revised Statutes, is amended to read:

28-695. Aggressive driving; violation; classification; definition

A. A person commits aggressive driving if both of the following occur:

1. During a course of conduct the person commits a violation of either section 28-701, subsection A or section 28-701.02 and at least two of the following violations:

(a) Failure to obey traffic control devices as provided in section 28-644.

(b) Overtaking and passing another vehicle on the right by driving off the pavement or main traveled portion of the roadway as provided in section 28-724.

(c) Unsafe lane change as provided in section 28-729.

(d) Following a vehicle too closely as provided in section 28-730.

(e) Failure to yield the right-of-way as provided in article 9 of this chapter.

2. The person's driving is an immediate hazard to another person or vehicle.

B. A person convicted of aggressive driving is guilty of a class 1 misdemeanor.

C. In addition to any other penalty prescribed by law:

1. A person convicted of a violation of this section shall attend and successfully complete approved traffic survival school ~~training and~~ educational sessions that are designed to improve the safety and habits of drivers and that are approved by the department.

2. The court shall forward the abstract of conviction to the department and may order the department to suspend the person's driving privilege for thirty days.

D. If a person who is convicted of a violation of this section has been previously convicted of a violation of this section within a period of twenty-four months:

1. The person is guilty of a class 1 misdemeanor.

2. In addition to any other penalty prescribed by law, the court shall forward the abstract of conviction to the department. On receipt of the abstract of conviction, the department shall revoke the driving privilege of the person for one year.

E. The dates of the commission of the offense determine whether subsection D of this section applies. A second or subsequent violation for

which a conviction occurs as provided in this section does not include a conviction for an offense arising out of the same series of acts.

F. For the purposes of this section "course of conduct" means a series of acts committed during a single, continuous period of driving.

Sec. 6. Section 28-3101, Arizona Revised Statutes, is amended to read:

28-3101. Driver license classes

A. Except as provided in subsections B and C of this section and section 28-3102, the following driver license classes are valid:

1. Class A. A class A license is valid for operating either of the following:

(a) A motor vehicle that tows a vehicle with a gross vehicle weight rating of more than ten thousand pounds if the combined gross vehicle weight rating is twenty-six thousand one or more pounds.

(b) A vehicle that requires a class B, C or D license.

2. Class B. A class B license is valid for operating any of the following:

(a) A single motor vehicle with a gross vehicle weight rating of twenty-six thousand one or more pounds.

(b) A motor vehicle with a gross vehicle weight rating of twenty-six thousand one or more pounds that tows a vehicle with a gross vehicle weight rating of ten thousand pounds or less.

(c) A vehicle that requires a class C or D license for operation.

3. Class C. A class C license is valid for operating any of the following:

(a) A single motor vehicle with a gross vehicle weight rating of twenty-six thousand pounds or less.

(b) A motor vehicle with a gross vehicle weight rating of twenty-six thousand pounds or less that tows a vehicle with a gross vehicle weight rating of ten thousand pounds or less.

(c) A motor vehicle with a gross vehicle weight rating of twenty-six thousand pounds or less that tows a vehicle with a gross vehicle weight rating of more than ten thousand pounds, if the combined gross vehicle weight rating is less than twenty-six thousand one pounds.

(d) A vehicle that is required to be placarded for hazardous materials.

(e) A bus or school bus.

(f) A vehicle that requires a class D license for operation.

4. Class D. A class D license is valid for operating any of the following:

(a) A single motor vehicle with a gross vehicle weight rating of twenty-six thousand pounds or less.

(b) A motor vehicle with a gross vehicle weight rating of twenty-six thousand pounds or less that tows a vehicle with a gross vehicle weight rating of ten thousand pounds or less.

(c) A motor vehicle with a gross vehicle weight rating of twenty-six thousand pounds or less that tows a vehicle with a gross vehicle weight rating of more than ten thousand pounds if the combined gross vehicle weight rating is less than twenty-six thousand one pounds.

(d) A MOTORIZED TOURING VEHICLE. FOR THE PURPOSES OF THIS SUBDIVISION, "MOTORIZED TOURING VEHICLE" MEANS A MOTOR VEHICLE THAT IS ALL OF THE FOLLOWING:

(i) OWNED BY A COMMERCIAL ENTITY.

(ii) RENTED FOR USE DURING A SIGHTSEEING TOUR THAT IS GUIDED BY AN EMPLOYEE OF THE COMMERCIAL ENTITY THAT RENTS THE MOTOR VEHICLE.

(iii) DESIGNED TO TRAVEL WITH THREE WHEELS ON THE GROUND.

(iv) CAPABLE OF A MAXIMUM SPEED OF FORTY-FIVE MILES PER HOUR.

5. Class G. A class G license is valid for operating a single motor vehicle with a gross vehicle weight rating of twenty-six thousand pounds or less.

6. Class M. A class M license is valid for operating a motorcycle, motor driven cycle or moped. For the purpose of licensing a driver, the department may endorse a class M license classification on a valid class A, B, C, D or G license.

B. A class A, B, C, D or G license is not valid for operating a vehicle that requires a class M license or a vehicle that requires a special endorsement unless the proper endorsement appears on the license.

C. A commercial driver license is not required to operate a vehicle described in subsection A, paragraph 1, 2 or 3 of this section if the vehicle has been issued a historic vehicle license plate pursuant to section 28-2484 and the department provides in the vehicle registration record both of the following:

1. That the vehicle is classified as a noncommercial vehicle and may not be used as a commercial vehicle.

2. The vehicle's gross vehicle weight is entered as zero.

Sec. 7. Section 28-3158, Arizona Revised Statutes, is amended to read:

28-3158. <u>Driver license or instruction permit application</u>

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

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

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

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

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

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

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

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

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

E. The department shall:

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

2. Retain the social security number in its records.

F. The social security number provided to the department pursuant to subsection D of this section for an applicant's driver license or instruction permit shall not appear on an applicant's driver license or instruction permit unless the applicant requests that the social security number appear on the applicant's driver license or instruction permit as the driver license or instruction permit number. Except as provided in sections 28-455 and 41-1954, the department shall not release the social security number to any person unless the applicant requests that the social security number appear on the applicant's driver license or instruction permit as the driver license or instruction permit number. The provisions of this subsection shall be included in each application.

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

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

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

J. If a driver license applicant submits satisfactory proof to the department that the applicant is a veteran, on request of the applicant, the department shall allow a distinguishing mark to appear on the license that identifies the person as a veteran.

Sec. 8. Section 28-3164, Arizona Revised Statutes, is amended to read:

28-3164. Original applicants; examination

A. The department may DO ANY OF THE FOLLOWING:

1. Examine an applicant for an original driver license. ~~or the department may~~

2. Accept the examination conducted by an authorized third party pursuant to chapter 13 of this title ~~or documentation of successful completion of a driver education course approved by the department~~. BEGINNING JULY 1, 2014, THE THIRD PARTY MUST BE AUTHORIZED PURSUANT TO SECTION 28-5101.01 OR 28-5101.03.

3. ACCEPT DOCUMENTATION OF SUCCESSFUL COMPLETION OF A DRIVER TRAINING COURSE APPROVED BY THE DEPARTMENT. BEGINNING JULY 1, 2014, FOR A CLASS D OR G LICENSE THE DOCUMENTATION MUST BE PROVIDED BY A THIRD PARTY AUTHORIZED PURSUANT TO SECTION 28-5101.02.

4. ACCEPT DOCUMENTATION THAT THE APPLICANT HAS SUCCESSFULLY COMPLETED EDUCATION ON SPECIAL PERFORMANCE EQUIPMENT AND MEDICALLY RELATED DRIVING CIRCUMSTANCES. BEGINNING JULY 1, 2014, THE DOCUMENTATION MUST BE PROVIDED BY A THIRD PARTY AUTHORIZED PURSUANT TO SECTION 28-5101.02.

5. ACCEPT DOCUMENTATION THAT THE APPLICANT HAS SUCCESSFULLY COMPLETED DRIVER EDUCATION LESSONS PROVIDED BY AN INSTRUCTOR WHO IS CERTIFIED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

B. The examination shall include all of the following:

1. A test of the applicant's:

(a) Eyesight.

(b) Ability to read and understand official traffic control devices.

(c) Knowledge of safe driving practices and the traffic laws of this state, including those practices and laws relating to bicycles.

2. An actual demonstration of ability to exercise ordinary and reasonable control in the operation of a vehicle or vehicle combination of the type covered by the license classification or endorsement for which the applicant applies.

3. Other physical and mental examinations if the department finds them necessary to determine the applicant's fitness to safely operate a motor vehicle on the highways.

~~B.~~ C. The department may examine an original applicant for a class M license or a motorcycle endorsement or the department may accept the examination conducted by an authorized third party pursuant to chapter 13, article 1 of this title OR DOCUMENTATION OF SUCCESSFUL COMPLETION OF A MOTORCYCLE TRAINING PROGRAM APPROVED BY THE DEPARTMENT. BEGINNING JULY 1, 2014, THE DOCUMENTATION OF SUCCESSFUL COMPLETION OF A MOTORCYCLE TRAINING PROGRAM MUST BE PROVIDED BY A THIRD PARTY MOTORCYCLE DRIVER LICENSE TRAINING

PROVIDER AUTHORIZED PURSUANT TO SECTION 28-5101.02 OR A MOTORCYCLE TRAINING PROGRAM APPROVED BY THE DEPARTMENT AND PROVIDED IN ANOTHER STATE OR BY THE UNITED STATES MILITARY. The department may examine an applicant who has a motorcycle license from another jurisdiction. This examination shall be the same as for all applicants, except that the department may make modifications it finds necessary to determine the applicant's fitness to operate a motorcycle, motor driven cycle or moped on the highways.

~~C.~~ D. The department shall examine a person who holds a driver license issued by another country and who applies for an initial license in this state as an original applicant, except that the department may waive an actual demonstration of the ability to exercise ordinary and reasonable control in the operation of a motor vehicle if the person applies for a class D or G license and appears to meet the department's medical qualifications and if the out-of-state license is not revoked or is not expired for more than one year.

~~D.~~ E. The department may waive the driving examination for initial applicants for a class M license or a motorcycle endorsement if all of the following conditions exist:

1. The applicant's current license indicates the applicant has been specifically licensed to operate a motorcycle.

2. The applicant appears to meet the department's medical qualifications.

3. The applicant's out-of-state license is not revoked or is not expired for more than one year.

Sec. 9. Section 28-3303, Arizona Revised Statutes, is amended to read:

28-3303. Suspension or revocation of driver license or privilege for actions outside of state

A. Except as provided in subsection B of this section, the department may suspend or revoke the license or driving privilege of a resident of this state or the privilege of a nonresident to drive a motor vehicle in this state or may require the person to successfully complete approved traffic survival school ~~training and~~ educational sessions as prescribed in section 28-3306 on receipt of notice of a conviction of the person of an offense in another jurisdiction that would be grounds for the suspension or revocation of the person's driver license if the offense had been committed in this state. Section 28-3306, subsections C through G apply if a person's license or driving privilege is suspended or revoked or if a person is required to successfully complete approved driver ~~training and~~ educational sessions as provided by this subsection.

B. The department shall revoke the license or driving privilege of a resident of this state or the privilege of a nonresident to drive a motor vehicle in this state after receiving notice of a conviction of the person in another jurisdiction and after determining that the conviction was for an offense that if committed in this state would be grounds for revocation pursuant to section 28-3304 or chapter 3, 4 or 5 of this title.

C. The department may suspend or revoke the driver license of a resident of this state who fails to comply with the terms of a traffic citation that is lawfully issued in a jurisdiction outside this state pursuant to the nonresident violator compact adopted by chapter 6, article 4 of this title.

D. Notwithstanding chapter 6, articles 3 and 4 of this title and in lieu of suspension of a driver license or driving privileges, the department may issue a temporary driver license that is valid for a period of not more than one hundred eighty days.

Sec. 10. Section 28-3306, Arizona Revised Statutes, is amended to read:

28-3306. Discretionary license suspension or revocation; traffic survival school; hearing

A. The department may suspend or revoke the license of a driver or require a licensee to attend and successfully complete approved traffic survival school ~~training and~~ educational sessions designed to improve the safety and habits of drivers on a showing by department records or other sufficient evidence that the licensee:

1. Has committed an offense for which mandatory revocation of the license is required on conviction.

2. Has been involved as a driver in an accident resulting in the death or personal injury of another or serious property damage.

3. Has been convicted of or adjudged to have violated traffic regulations governing the movement of vehicles with such a frequency that it indicates a disrespect for traffic laws and a disregard for the safety of other persons on the highways.

4. Has been convicted of reckless driving as provided in section 28-693 or is a habitually reckless or negligent driver of a motor vehicle.

5. Is medically, psychologically or physically incapable of operating a motor vehicle and, based on law enforcement, medical or other department information, the continued operation of a motor vehicle by the licensee would endanger the public health, safety and welfare.

6. Has committed or permitted an act involving an unlawful or fraudulent use of the license.

7. Has committed an offense in another jurisdiction that if committed in this state is grounds for suspension or revocation.

8. Has been convicted of a violation of section 28-1381 or 28-1382.

9. Has been convicted of a violation of section 28-1464.

B. On receipt of satisfactory evidence of a violation of a driver license restriction, the department may suspend or revoke the driver license.

C. On suspending or revoking the license of a person or requiring a licensee to attend and successfully complete approved traffic survival school ~~training and~~ educational sessions designed to improve the safety and habits of drivers pursuant to this section, the department shall notify the licensee in writing immediately.

D. On the person's request, the department shall provide an opportunity for a hearing on the action taken pursuant to this section as early as practicable but not later than thirty days after receipt of the request. The department shall hold the hearing in the county where the licensee resides unless the law enforcement agency issuing the citation or affidavit that authorizes the suspension or revocation requests at the time of issuance that the hearing be held in the county where the violation allegedly occurred.

E. If a hearing is held, the department or its duly authorized agent may administer oaths, may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee.

F. At the hearing, the department shall either rescind its order of suspension or its order requiring the licensee to attend and successfully complete approved traffic survival school ~~training and~~ educational sessions or, if good cause exists, the department may uphold or extend the order, revoke the license or make any order that is within its discretionary power under this section and that is in the interest of public safety.

G. If a licensee receives notice requiring the licensee to attend and successfully complete approved traffic survival school ~~training and~~ educational sessions and the department receives information of noncompliance with this order, the department may amend the order to suspend or revoke the license.

H. A person whose driver license is suspended or revoked as provided in subsection A, paragraph 5 of this section may submit a written request to the department for an administrative hearing. The person shall submit the request for a hearing within fifteen days after the department provides the person with notice of suspension or revocation. On receipt of a proper request for a hearing, the department shall provide the person with an opportunity for a hearing in the county where the person resides within thirty days after the department receives the request. The request for a hearing does not stay a summary suspension issued by the department.

Sec. 11. Section 28-3307, Arizona Revised Statutes, is amended to read:

28-3307. <u>Order to complete traffic survival school educational sessions</u>

A. If a licensee is required to attend and successfully complete approved traffic survival school ~~training and~~ educational sessions designed to improve the safety and habits of drivers pursuant to section 28-645, 28-647, 28-672, 28-695, 28-3306 or 28-3321, the department shall indicate on the computer record that the licensee is required to complete traffic survival school ~~training and~~ educational sessions.

B. On successful completion of the traffic survival school ~~training and~~ educational sessions, the department shall record satisfaction of the requirement on the licensee's computer record.

~~C. Governmental agencies, corporations or other individuals that conduct traffic survival school training and educational sessions approved by the department may collect a fee that is reasonable and commensurate for the training.~~

~~D. Notwithstanding any other law, the only limitation on enrollment in a traffic survival school training and educational session shall be the lawful fire safety capacity of the facility in which the class meets.~~

Sec. 12. Section 28-3321, Arizona Revised Statutes, is amended to read:

28-3321. Moving violations by persons under eighteen years of age; traffic survival school; suspension

A person who holds a driver permit or license and who is found responsible for a moving civil traffic violation pursuant to this title or who is convicted of a moving criminal traffic offense pursuant to this title, excluding violations of sections 28-693, 28-695, 28-708, 28-1381, 28-1382, 28-1383 and 28-3174, and who commits the moving civil traffic violation or moving criminal traffic offense while the person is under eighteen years of age is subject to the following:

1. On receipt of the first record of judgment or conviction, the department shall order the person to attend and successfully complete traffic survival school ~~training and~~ educational sessions.

2. On receipt of the second record of judgment or conviction, the department shall suspend the person's driving privilege for three months.

3. On receipt of the third record of judgment or conviction, the department shall suspend the person's driving privilege for six months.

Sec. 13. Title 28, chapter 8, article 6, Arizona Revised Statutes, is amended by adding section 28-3323, to read:

28-3323. Notification to the superintendent of public instruction

THE DIRECTOR SHALL NOTIFY THE SUPERINTENDENT OF PUBLIC INSTRUCTION IF THE DEPARTMENT SUSPENDS OR REVOKES THE DRIVER LICENSE OF A PERSON WHO GIVES DRIVER EDUCATION LESSONS TO HIGH SCHOOL STUDENTS.

Sec. 14. Title 28, chapter 8, Arizona Revised Statutes, is amended by adding article 7.1, to read:

ARTICLE 7.1. TRAFFIC SURVIVAL SCHOOLS

28-3411. Enforcement; contract with private entity

A. SUBJECT TO TITLE 41, CHAPTER 6, THE DIRECTOR SHALL ADOPT RULES FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE. THE DIRECTOR OR THE DIRECTOR'S AUTHORIZED REPRESENTATIVE SHALL INSPECT THE SCHOOL FACILITIES AND EQUIPMENT USED BY APPLICANTS AND LICENSEES UNDER THIS ARTICLE.

B. THE DIRECTOR SHALL ADMINISTER AND ENFORCE THIS ARTICLE.

C. THE DIRECTOR MAY CONTRACT WITH A PRIVATE ENTITY TO CONDUCT INSPECTIONS PURSUANT TO THIS SECTION AND TO ADMINISTER ANY RULES ADOPTED PURSUANT TO THIS SECTION THAT RELATE TO THE LICENSURE AND ADMINISTRATION OF TRAFFIC SURVIVAL SCHOOLS PURSUANT TO THIS ARTICLE. THE TERM OF ANY CONTRACT

ENTERED INTO PURSUANT TO THIS SUBSECTION SHALL NOT EXCEED FIVE YEARS WITH A RIGHT TO RENEW FOR AN ADDITIONAL FIVE YEARS. THE PRIVATE ENTITY THAT CONTRACTS WITH THE DIRECTOR PURSUANT TO THIS SUBSECTION:

1. SHALL NOT PROVIDE TRAFFIC SURVIVAL SCHOOL COURSES.

2. MAY CHARGE A FEE TO EACH PERSON WHO ENROLLS IN A TRAFFIC SURVIVAL SCHOOL.

28-3412. Fee; enrollment limitation

A. GOVERNMENTAL AGENCIES, CORPORATIONS OR INDIVIDUALS THAT CONDUCT TRAFFIC SURVIVAL SCHOOL EDUCATIONAL SESSIONS APPROVED BY THE DEPARTMENT MAY COLLECT A FEE THAT IS REASONABLE AND COMMENSURATE FOR THE EDUCATIONAL SESSIONS.

B. NOTWITHSTANDING ANY OTHER LAW, THE ONLY LIMITATION ON ENROLLMENT IN A TRAFFIC SURVIVAL SCHOOL EDUCATIONAL SESSION SHALL BE THE LAWFUL FIRE SAFETY CAPACITY OF THE FACILITY IN WHICH THE CLASS MEETS.

28-3413. License for schools; requirements; fingerprint clearance card

A. A PERSON MAY NOT ACT AS A TRAFFIC SURVIVAL SCHOOL UNLESS THE PERSON APPLIES FOR AND OBTAINS FROM THE DIRECTOR A LICENSE IN THE MANNER AND FORM PRESCRIBED BY THE DIRECTOR.

B. RULES ADOPTED BY THE DIRECTOR SHALL STATE THE REQUIREMENTS FOR A SCHOOL LICENSE, INCLUDING REQUIREMENTS CONCERNING LOCATION, EQUIPMENT, COURSES OF INSTRUCTION, INSTRUCTORS, PREVIOUS RECORDS OF THE SCHOOL AND INSTRUCTORS, CHARACTER AND REPUTATION OF THE OPERATORS AND INSTRUCTORS, INSURANCE IN AN AMOUNT AND WITH PROVISIONS THAT THE DIRECTOR DEEMS NECESSARY TO PROTECT ADEQUATELY THE INTERESTS OF THE PUBLIC AND OTHER MATTERS PRESCRIBED BY THE DIRECTOR.

C. EACH APPLICANT WHO OWNS TWENTY PER CENT OR MORE OF AN ENTITY AND EACH PARTNER OR STOCKHOLDER WHO OWNS TWENTY PER CENT OR MORE OF AN ENTITY AND WHO SEEKS LICENSURE PURSUANT TO THIS ARTICLE SHALL PROVIDE THE DEPARTMENT OR A CONTRACTED PRIVATE ENTITY OF THE DEPARTMENT PURSUANT TO SECTION 28-3411 WITH A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION 41-1758.03.

28-3414. Refusal to issue or renew license of school

A. THE DIRECTOR MAY REFUSE TO ISSUE OR RENEW THE LICENSE FOR A SCHOOL IF THE DIRECTOR DETERMINES THAT THE LICENSEE OR APPLICANT HAS NOT COMPLIED WITH OR HAS KNOWINGLY VIOLATED ANY PROVISION OF THIS ARTICLE OR ANY RULE ADOPTED PURSUANT TO THIS ARTICLE OR HAS BEEN CONVICTED OF A VIOLATION OF TITLE 13 OR THIS TITLE.

B. AN APPLICANT OR LICENSEE WHO IS AGGRIEVED BY THE DIRECTOR'S DECISION MAY MAKE A WRITTEN REQUEST TO THE DEPARTMENT FOR A HEARING WITHIN THIRTY DAYS AFTER SERVICE OF NOTICE OF THE REFUSAL. IF THE APPLICANT OR LICENSEE DOES NOT REQUEST A HEARING WITHIN THIRTY DAYS, THE DECISION IS FINAL. IF THE APPLICANT OR LICENSEE REQUESTS A HEARING, THE DIRECTOR SHALL GIVE WRITTEN NOTICE TO THE APPLICANT OR LICENSEE TO APPEAR AT THE HEARING AND SHOW CAUSE WHY THE REFUSAL TO ISSUE OR RENEW THE LICENSE SHOULD NOT BE

UPHELD. AFTER CONSIDERATION OF THE EVIDENCE PRESENTED AT THE HEARING, THE DIRECTOR SHALL SERVE NOTICE IN WRITING TO THE APPLICANT OR LICENSEE OF THE DIRECTOR'S FINDINGS AND ORDER.

28-3415. License expiration; fees; disposition

A. EXCEPT AS PROVIDED IN SECTION 32-4301, ALL LICENSES EXPIRE ON THE LAST DAY OF THE CALENDAR YEAR AND MAY BE RENEWED ON APPLICATION TO THE DIRECTOR AS PRESCRIBED BY RULE.

B. EACH APPLICATION FOR AN ORIGINAL OR RENEWAL LICENSE TO OPERATE A TRAFFIC SURVIVAL SCHOOL SHALL BE ACCOMPANIED BY A FEE OF TWO HUNDRED DOLLARS.

C. AN APPLICATION FOR A BRANCH LICENSE SHALL BE ACCOMPANIED BY A FEE OF FIFTY DOLLARS.

D. A LICENSE FEE MAY NOT BE REFUNDED IF A LICENSE IS SUSPENDED OR REVOKED.

E. ALL MONIES RECEIVED BY THE DIRECTOR FROM THE FEES PROVIDED IN THIS ARTICLE SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE STATE HIGHWAY FUND ESTABLISHED BY SECTION 28-6991.

28-3416. Suspension and revocation of license; determination; appeal

A. AFTER CONDUCTING A HEARING, THE DIRECTOR MAY CANCEL, SUSPEND OR REVOKE THE LICENSE OF A SCHOOL IF THE DIRECTOR FINDS THAT THE LICENSEE HAS NOT COMPLIED WITH OR HAS KNOWINGLY VIOLATED THIS ARTICLE OR ANY RULE ADOPTED PURSUANT TO THIS ARTICLE OR HAS BEEN CONVICTED OF A VIOLATION OF TITLE 13 OR THIS TITLE.

B. DECISIONS OF THE DIRECTOR ARE SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6.

28-3417. Cease and desist orders

A. IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A TRAFFIC SURVIVAL SCHOOL LICENSED PURSUANT TO THIS ARTICLE HAS VIOLATED OR IS VIOLATING A LAW OF THIS STATE OR RULE ADOPTED BY THE DIRECTOR, THE DIRECTOR MAY IMMEDIATELY ISSUE AND SERVE ON THE LICENSEE, BY PERSONAL DELIVERY OR FIRST CLASS MAIL AT THE BUSINESS ADDRESS OF RECORD, A CEASE AND DESIST ORDER REQUIRING THE LICENSEE TO IMMEDIATELY CEASE AND DESIST FROM FURTHER ENGAGING IN THE BUSINESS OR THE PROHIBITED ACTIVITY, OR BOTH.

B. A LICENSEE WHO RECEIVES A CEASE AND DESIST ORDER MAY SUBMIT A WRITTEN REQUEST FOR A HEARING TO THE DIRECTOR. THE LICENSEE SHALL SUBMIT THE REQUEST FOR A HEARING WITHIN THIRTY DAYS AFTER THE LICENSEE RECEIVES THE CEASE AND DESIST ORDER. ON FAILURE OF A LICENSEE TO COMPLY WITH THE ORDER OR AFTER A REQUESTED HEARING, THE DIRECTOR MAY SUSPEND OR CANCEL THE LICENSEE'S LICENSE PURSUANT TO SECTION 28-3416.

28-3418. Violation; classification

A PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE IS GUILTY OF A CLASS 3 MISDEMEANOR.

Sec. 15. Section 28-5101, Arizona Revised Statutes, is amended to read:

28-5101. Third party authorization

A. The director may authorize third parties to perform certain OF THE FOLLOWING FUNCTIONS:

1. Title and registration. ~~,~~

2. Motor carrier licensing and tax reporting. ~~,~~

3. Dealer licensing. ~~and~~

4. Driver ~~license functions~~ LICENSING AS PRESCRIBED IN SECTIONS 28-5101.01, 28-5101.02 AND 28-5101.03.

B. The director may authorize a person to be a third party electronic service provider or, beginning January 1, 2012, to be a third party electronic service partner. An authorized third party electronic service provider shall meet all of the requirements established by the department. Beginning January 1, 2012:

1. The written agreement between the department and the authorized third party electronic service provider may be for a limited number of services and may limit the persons that may receive the services.

2. An authorized third party electronic service partner shall meet the requirements established by the department and shall be selected through a competitive bid process.

C. A person shall not engage in any business pursuant to this article unless the director authorizes the person to engage in the business.

D. The director may furnish necessary documents or license plates subject to this article.

E. Except as provided in subsection F of this section, an authorized third party or an authorized third party electronic service provider shall submit to the department all statutorily prescribed fees and taxes it collects. In addition to the statutorily prescribed fees and taxes, an authorized third party or an authorized third party electronic service provider may collect and retain a reasonable and commensurate fee for its services.

F. In addition to payment pursuant to section 28-374, the department shall reimburse the authorized third party or third party electronic service provider as follows:

1. One dollar of each initial, renewal, replacement or duplicate registration fee for a vehicle or an aircraft.

2. One dollar of each initial, duplicate or transfer title fee for a vehicle or an aircraft.

3. An amount equal to two per cent of each vehicle license tax payment or aircraft license tax payment the authorized third party collects and submits to the department or four dollars for each registration year or part of a registration year, whichever is more. The reimbursement amount shall not exceed the amount of vehicle license tax or aircraft license tax collected.

4. Four dollars for each initial, renewal, replacement or duplicate application that the third party processes and that relates to driver licenses, nonoperating identification licenses or permits. An authorized third party may add the cost for expedited processing of renewal, replacement or duplicate applications if requested by the applicant.

5. An amount equal to two per cent of each overweight or excess size vehicle registration or permit fee the third party collects and submits to the department or one dollar for each overweight or excess size vehicle registration or permit processed, whichever is more.

6. One dollar for each motor vehicle or special motor vehicle record, excluding motor vehicle records released to commercial recipients, including insurers and their authorized agents.

7. Five dollars or one-fourth of one per cent of the fuel taxes reported, whichever is greater, for each fuel tax report filed electronically. In fiscal years 2008-2009 through 2012-2013, the maximum annual amount retained each year shall not exceed one million five hundred thousand dollars. Beginning in fiscal year 2013-2014, the maximum annual amount retained each year shall not exceed four hundred eighty thousand dollars.

8. One dollar for each fuel tax permit.

9. One dollar for each nonsufficient funds or dishonored check payment.

10. One dollar for each abandoned vehicle report processed, except for applications for crushed vehicles.

11. One dollar for each abandoned vehicle payment.

12. Two dollars for each initial special or personalized license plate application.

13. One dollar for each initial, renewal or replacement vehicle dealer license plate.

14. Five dollars for each application for an initial vehicle dealer license or continuation of a vehicle dealer license.

15. One dollar of each twelve dollar fee paid pursuant to section 28-2356.

16. One dollar for each traffic survival school application and one dollar for each certificate of completion processed.

17. One dollar for each replacement license plate or tab.

G. For authorized third party electronic service partners, the amount of compensation and the amount of reimbursements for transactions shall be negotiated by the department and the authorized third party electronic service partner and shall be set forth in the written agreement authorizing the third party electronic service partner. If reimbursement is made for individual transactions, the reimbursements shall not exceed the amounts specified in subsections F, H and I of this section. Other forms of compensation or reimbursements for services may be specified in the written agreement. Compensation and reimbursements provided for by the written

agreement may include the development and implementation of information technology and other automated systems and any necessary support for these systems.

H. The department's authorized third party electronic service provider may retain two dollars for processing documents electronically when the statutory fee pursuant to this title is two dollars or more.

I. The director may authorize the third party electronic service provider to process electronic fund transfers to the department for payment of motor vehicle taxes and fees. The third party electronic service provider may add a two dollar processing fee for each electronic funds transfer.

J. Each authorized third party that holds itself out as providing services to the general public shall post a sign in a conspicuous location in each facility of the authorized third party that contains ALL OF THE FOLLOWING:

1. The amount charged for each transaction performed by the authorized third party. ~~and~~

2. The amount charged by the department for the same transaction.

3. HOW TO FILE A COMPLAINT OR CONCERN WITH THE DEPARTMENT ABOUT THE AUTHORIZED THIRD PARTY.

Sec. 16. Title 28, chapter 13, article 1, Arizona Revised Statutes, is amended by adding sections 28-5101.01, 28-5101.02 and 28-5101.03, to read:

28-5101.01. <u>Authorized third party driver license providers; requirements</u>

A. BEGINNING ON OR BEFORE JUNE 1, 2014, EXCEPT AS PROVIDED IN SECTION 28-5101.03, AN AUTHORIZED THIRD PARTY DRIVER LICENSE PROVIDER MUST PERFORM BOTH OF THE FOLLOWING:

1. DRIVER LICENSE SKILLS AND WRITTEN TESTING.

2. DRIVER LICENSE PROCESSING.

B. A PERSON WHO IS A THIRD PARTY DRIVER LICENSE PROVIDER AUTHORIZED PURSUANT TO THIS SECTION MAY ALSO BE AUTHORIZED PURSUANT TO THIS ARTICLE TO PERFORM CERTAIN TITLE AND REGISTRATION FUNCTIONS.

C. A PERSON WHO APPLIES FOR AUTHORIZATION PURSUANT TO THIS SECTION SHALL SUBMIT WITH THE APPLICATION ALL OF THE FOLLOWING:

1. A BOND IN A FORM TO BE APPROVED BY THE DIRECTOR AND IN AN AMOUNT OF AT LEAST THREE HUNDRED THOUSAND DOLLARS FOR AN INITIAL APPLICATION FOR AUTHORIZATION PURSUANT TO THIS SECTION AND AN ADDITIONAL ONE HUNDRED THOUSAND DOLLARS FOR EACH ADDITIONAL LOCATION PROVIDING DRIVER LICENSE FUNCTIONS PRESCRIBED IN SUBSECTION A OF THIS SECTION, EXCEPT THAT IF THE AUTHORIZED THIRD PARTY IS ALSO AUTHORIZED PURSUANT TO THIS ARTICLE TO PERFORM CERTAIN TITLE AND REGISTRATION FUNCTIONS AT THE SAME LOCATION ONLY A SINGLE ONE HUNDRED THOUSAND DOLLAR BOND IS REQUIRED FOR THAT LOCATION. THE TOTAL BOND AMOUNT REQUIRED BY THIS PARAGRAPH SHALL NOT EXCEED ONE MILLION DOLLARS. THE BOND REQUIREMENTS OF THIS PARAGRAPH DO NOT APPLY TO GOVERNMENT ENTITIES PRESCRIBED IN SECTION 28-5104, SUBSECTION E, PARAGRAPHS 1, 2, 3, 5 AND 11.

2. DOCUMENTATION THAT THE APPLICANT SATISFIES ALL OF THE FOLLOWING:

(a) HAS BEEN AN AUTHORIZED THIRD PARTY PURSUANT TO THIS CHAPTER FOR AT LEAST THE IMMEDIATELY PRECEDING THREE YEARS.

(b) HAS CONDUCTED AN AVERAGE OF AT LEAST ONE THOUSAND RETENTION TRANSACTIONS PER MONTH FOR THE PREVIOUS CALENDAR YEAR.

(c) IS IN GOOD STANDING WITH THE DEPARTMENT.

(d) HAS A FACILITY PLAN FOR EACH LOCATION THAT SHOWS ADEQUATE SPACE AND EQUIPMENT NECESSARY TO PERFORM THE FUNCTIONS PRESCRIBED IN SUBSECTION A OF THIS SECTION.

3. DOCUMENTATION THAT THE APPLICANT HAS DURING BUSINESS HOURS AT LEAST ONE CERTIFIED PROCESSOR QUALIFIED TO PERFORM AT A MINIMUM ALL OF THE FOLLOWING AT EACH LOCATION:

(a) FRAUDULENT DOCUMENT RECOGNITION.

(b) IGNITION INTERLOCK REQUIREMENTS.

(c) DRIVER LICENSE REINSTATEMENTS.

D. A THIRD PARTY DRIVER LICENSE PROVIDER AUTHORIZED PURSUANT TO THIS SECTION MUST COMPLY WITH ALL QUALITY CONTROL REQUIREMENTS PRESCRIBED BY THE DEPARTMENT.

E. A THIRD PARTY DRIVER LICENSE PROVIDER AUTHORIZED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL NOT PROCESS COMMERCIAL DRIVER LICENSES.

28-5101.02. Authorized third party driver license training providers; requirements; applicability

A. BEGINNING JULY 1, 2014, A PERSON MUST BE AN AUTHORIZED THIRD PARTY DRIVER LICENSE TRAINING PROVIDER TO PERFORM DRIVER LICENSE TRAINING.

B. A PERSON WHO APPLIES FOR AUTHORIZATION PURSUANT TO THIS SECTION IS NOT REQUIRED TO SUBMIT A BOND WITH THE APPLICATION.

C. A THIRD PARTY DRIVER LICENSE TRAINING PROVIDER AUTHORIZED PURSUANT TO THIS SECTION MUST COMPLY WITH ALL QUALITY CONTROL REQUIREMENTS PRESCRIBED BY THE DEPARTMENT.

D. THIS SECTION DOES NOT APPLY TO ANY PROFESSIONAL DRIVER TRAINING SCHOOL LICENSED PURSUANT TO TITLE 32, CHAPTER 23.

28-5101.03. Authorized third party commercial driver license examiners; requirements

A. BEGINNING JULY 1, 2014, A PERSON MUST BE A SEPARATELY AUTHORIZED THIRD PARTY COMMERCIAL DRIVER LICENSE EXAMINER TO PERFORM COMMERCIAL DRIVER LICENSE SKILLS TESTING.

B. A THIRD PARTY COMMERCIAL DRIVER LICENSE EXAMINER AUTHORIZED PURSUANT TO THIS SECTION MUST COMPLY WITH ALL QUALITY CONTROL REQUIREMENTS PRESCRIBED BY THE DEPARTMENT.

Sec. 17. Section 28-5102, Arizona Revised Statutes, is amended to read:

28-5102. Powers and duties of director

A. The director shall:

1. Supervise and regulate all persons required by this article to obtain authorization.

2. Establish minimum quality standards of service and a quality assurance program for authorized third parties to ensure that an authorized third party is complying with the minimum standards.

3. ADOPT RULES TO ADMINISTER AND ENFORCE THIS CHAPTER.

B. The director may:

1. Conduct investigations the director deems necessary.

2. Conduct audits.

3. Make on-site inspections during regular business hours and at locations as the director deems appropriate to determine compliance by an authorized third party with this article. If an inspection is conducted at a place located outside this state, the director may charge a fee to the authorized third party.

4. Require that an authorized third party or employees or agents of an authorized third party be certified to perform the functions prescribed in this article.

5. Require authorized third parties and authorized third party electronic service providers to reimburse the department for mutually agreed on costs.

Sec. 18. Section 28-5104, Arizona Revised Statutes, is amended to read:

28-5104. Bond requirement

A. EXCEPT AS PROVIDED IN SECTIONS 28-5101.01 AND 28-5101.02, a person who applies for authorization pursuant to this article shall submit with the application a bond in a form to be approved by the director and in an amount of at least one hundred thousand dollars FOR EACH LOCATION.

B. A surety company authorized to transact business in this state shall execute the bond with the applicant as principal obligor on the bond and the state as obligee. The bond shall be conditioned that the applicant will faithfully comply with all of the provisions of law and that the bond is noncancellable without at least sixty days' prior notice to the director. Any future liability of the surety company terminates on the director's termination of a third party's authorization.

C. The bond inures to the benefit of any person who suffers loss because of any of the following:

1. Nonpayment by the authorized person of any fee or tax paid to the third party by that person.

2. Insolvency or discontinuance of business.

3. Failure of the authorized third party to comply with the authorized third party's duties pursuant to this article.

D. The aggregate liability of a surety company for any breach of the conditions of a bond required pursuant to this section shall not exceed the amount of the bond.

E. The bond requirement of this section does not apply to:

1. A department, AN agency or A political subdivision of this state.

2. An Arizona court.

3. An Arizona law enforcement agency or department.

4. A financial institution or enterprise under the jurisdiction of the department of financial institutions or a federal monetary authority.

5. The federal government or any of its agencies.

6. A motor vehicle dealer that is licensed and bonded by the department of transportation or a state organization of licensed and bonded motor vehicle dealers.

7. A manufacturer, AN importer, A factory branch or A distributor licensed by the department of transportation.

8. An insurer under the jurisdiction of the department of insurance.

9. An owner or A registrant of a fleet of one hundred or more vehicles.

10. A public utility.

11. A tribal government.

12. An employer or association that has at least five hundred employees or members.

Sec. 19. Section 28-5107, Arizona Revised Statutes, is amended to read:

28-5107. Application denial; hearing; appeal

A. The director ~~shall~~ MAY deny an application for third party authorization or certification, or both, under this article and shall advise the applicant in writing within twenty days of the denial and the grounds for the denial if the director determines ~~from the information revealed in the criminal history check pursuant to section 28-5105~~ THAT any of the following APPLIES:

1. ~~That~~ The applicant is not eligible for third party authorization or certification, or both, under this article.

2. ~~That~~ The application is not made in good faith.

3. ~~That~~ The application contains a material misrepresentation or misstatement.

4. ~~That~~ The applicant has not met the requirements of law.

B. An applicant who is aggrieved by the denial of an application may make a written request to the department for a hearing on the application within thirty days after service of the notice of denial. If the applicant does not request a hearing within thirty days, the denial is final.

C. If the applicant requests a hearing, the director shall give written notice to the applicant to appear at a hearing to show cause why the denial of the applicant's application should not be upheld. After consideration of the evidence presented at the hearing, the director shall serve notice in writing to the applicant of the director's findings and order. A timely request for a hearing stays the denial of the application.

D. If the application is denied, the applicant may appeal the decision pursuant to title 12, chapter 7, article 6.

Sec. 20. Section 28-5108, Arizona Revised Statutes, is amended to read:

28-5108. Cancellation or suspension of authorization or certification; hearing; appeal

A. The director may suspend or cancel an authorization or certification, or both, granted pursuant to this article if the director determines that the third party or certificate holder has done any of the following:

1. Made a material misrepresentation or misstatement in the application for authorization or certification.

2. Violated a law of this state.

3. Violated a rule or policy adopted by the department.

4. Failed to keep and maintain records required by this article.

5. Allowed an unauthorized person to engage in any business pursuant to this article.

6. Been involved in any activity that the director determines to be inappropriate in relation to the authority granted.

B. The director may suspend or cancel an authorization or certification, or both, granted pursuant to this chapter if the director determines that an individual included in the application for authorization or certification:

1. Made a misrepresentation, omission or misstatement in the application to conceal a matter that may cause the application to be denied.

2. Has been convicted of fraud or an auto related felony in a state, territory or possession of the United States or a foreign country within the ten years immediately preceding the date a criminal records check is complete.

3. Has been convicted of a felony, other than a felony described in paragraph 2 of this subsection, in a state, territory or possession of the United States or a foreign country within the five years immediately preceding the date a criminal records check is complete.

C. The director shall suspend or cancel an authorization of a third party granted pursuant to this article if the director determines that the third party failed to maintain the bond required pursuant to section 28-5104.

D. IF THE DIRECTOR HAS REASONABLE GROUNDS TO BELIEVE THAT A CERTIFICATE HOLDER OR OTHER PERSON EMPLOYED BY AN AUTHORIZED THIRD PARTY HAS COMMITTED A SERIOUS VIOLATION, THE DIRECTOR MAY ORDER A SUMMARY SUSPENSION OF THE THIRD PARTY'S AUTHORIZATION GRANTED PURSUANT TO THIS CHAPTER PENDING FORMAL SUSPENSION OR CANCELLATION PROCEEDINGS. FOR THE PURPOSES OF THIS SUBSECTION, "SERIOUS VIOLATION" MEANS:

1. TITLE OR REGISTRATION FRAUD.

2. DRIVER LICENSE OR IDENTIFICATION LICENSE FRAUD.

3. IMPROPER DISCLOSURE OF PERSONAL INFORMATION AS DEFINED IN SECTION 28-440.

4. BRIBERY.

5. THEFT.

~~D.~~ E. On determining that grounds for suspension or cancellation of an authorization or certification, or both, exist, the director shall give written notice to the third party or certificate holder to appear at a hearing before the director to show cause why the authorization or certification should not be suspended or canceled.

~~E.~~ F. After consideration of the evidence presented at the hearing, the director shall serve notice of the director's finding and order to the third party or certificate holder.

~~F.~~ G. If a third party authorization or a certification is suspended or canceled, the third party or certificate holder may appeal the decision pursuant to title 12, chapter 7, article 6.

Sec. 21. Section 28-6991, Arizona Revised Statutes, is amended to read:

28-6991. State highway fund; sources

A state highway fund is established that consists of:

1. Monies distributed from the Arizona highway user revenue fund pursuant to chapter 18 of this title.

2. Monies appropriated by the legislature.

3. Monies received from donations for the construction, improvement or maintenance of state highways or bridges. These monies shall be credited to a special account and shall be spent only for the purpose indicated by the donor.

4. Monies received from counties under cooperative agreements, including proceeds from bond issues. The state treasurer shall deposit these monies to the credit of the fund in a special account on delivery to the treasurer of a concise written agreement between the department and the county stating the purposes for which the monies are surrendered by the county, and these monies shall be spent only as stated in the agreement.

5. Monies received from the United States under an act of Congress to provide aid for the construction of rural post roads, but monies received on projects for which the monies necessary to be provided by this state are wholly derived from sources mentioned in paragraphs 2 and 3 of this section shall be allotted by the department and deposited by the state treasurer in the special account within the fund established for each project. On completion of the project, on the satisfaction and discharge in full of all obligations of any kind created and on request of the department, the treasurer shall transfer the unexpended balance in the special account for the project into the state highway fund, and the unexpended balance and any further federal aid thereafter received on account of the project may be spent under the general provisions of this title.

6. Monies in the custody of an officer or agent of this state from any source that is to be used for the construction, improvement or maintenance of state highways or bridges.

7. Monies deposited in the state general fund and arising from the disposal of state personal property belonging to the department.

8. Receipts from the sale or disposal of any or all other property held by the department and purchased with state highway monies.

9. Monies generated pursuant to section 28-410.

10. Monies distributed pursuant to section 28-5808, subsection B, paragraph 2, subdivision (d).

11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

12. Except as provided in section 28-5101, the following monies:

(a) Monies deposited pursuant to section 28-2206 and section 28-5808, subsection B, paragraph 2, subdivision (e).

(b) One dollar of each registration fee and one dollar of each title fee collected pursuant to section 28-2003.

(c) Two dollars of each late registration penalty collected by the director pursuant to section 28-2162.

(d) The air quality compliance fee collected pursuant to section 49-542.

(e) The special plate administration fees collected pursuant to sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through 28-2448 and 28-2514.

(f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156 if the director is the registering officer.

13. Monies deposited pursuant to chapter 5, article 5 of this title.

14. Donations received pursuant to section 28-2269.

15. Dealer and registration monies collected pursuant to section 28-4304.

16. Abandoned vehicle administration monies deposited pursuant to section 28-4804.

17. Monies deposited pursuant to section 28-710, subsection D, paragraph 2.

18. Monies deposited pursuant to section 28-2065.

19. Monies deposited pursuant to section 28-7311.

20. Monies deposited pursuant to section 28-7059.

21. Monies deposited pursuant to section 28-1105.

22. Monies deposited pursuant to section 28-2448, subsection D.

23. MONIES DEPOSITED PURSUANT TO SECTION 28-3415.

Sec. 22. Section 32-2351, Arizona Revised Statutes, is amended to read:

32-2351. <u>Definitions</u>

In this chapter, unless the context otherwise requires:

1. "Agent" means any person who, for compensation, enrolls or attempts to enroll residents of this state in a professional driver training school through personal or telephone contact, advertisement, mail or any other type of publication.

2. "Director" means the director of the department of transportation.

3. "Instructor" means any person, whether acting for himself as an operator of a professional driver training school or for any such school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises the practice of persons learning to operate or drive motor vehicles or preparing to take an examination for a driver license or instruction permit, and any person who supervises the work of any other instructor.

4. "Professional driver training school" or "school" means~~:~~

~~(a)~~ A business enterprise conducted by an individual, association, partnership, or corporation that educates and trains persons, either practically or theoretically, or both, to operate or drive COMMERCIAL motor vehicles, that prepares applicants for an examination given by the state for a COMMERCIAL driver license or instruction permit and that charges a consideration or tuition for these services.

~~(b) A traffic survival school that offers training and educational sessions that are designed to improve the safety and habits of drivers and that are approved by the department to drivers who are required to attend and successfully complete those training and educational sessions pursuant to title 28.~~

Sec. 23. Section 32-2353, Arizona Revised Statutes, is amended to read:

32-2353. <u>Exemptions; reporting requirement; immunity</u>

~~A. Except as provided in subsection B,~~ This chapter does not apply to any person who gives driver training lessons without charge, to employers maintaining driver training schools without charge for their employees only or to schools or classes conducted by colleges, universities and high schools for regularly enrolled, full-time students as a part of the normal program for such institutions.

~~B. The director shall notify the superintendent of public instruction if the department suspends or revokes the driver license of a person who gives driver training lessons to high school students.~~

Sec. 24. Section 41-619.51, Arizona Revised Statutes, is amended to read:

41-619.51. <u>Definitions</u>

In this article, unless the context otherwise requires:

1. "Agency" means the supreme court, the department of economic security, the department of education, the department of health services, the department of juvenile corrections, the department of emergency and military affairs, the department of transportation, the state real estate department or the board of examiners of nursing care institution administrators and assisted living facility managers.

2. "Board" means the board of fingerprinting.

3. "Central registry exception" means notification to the department of economic security or the department of health services, as appropriate, pursuant to section 41-619.57 that the person is not disqualified because of a central registry check conducted pursuant to section 8-804.

4. "Expedited review" means an examination, in accordance with board rule, of the documents an applicant submits by the board or its hearing officer without the applicant being present.

5. "Good cause exception" means the issuance of a fingerprint clearance card to an employee pursuant to section 41-619.55.

6. "Person" means a person who is required to be fingerprinted pursuant to this article or who is subject to a central registry check and any of the following:

(a) Section 8-105.
(b) Section 8-322.
(c) Section 8-509.
(d) Section 8-802.
(e) Section 8-804.
(f) Section 8-804.01.
(g) Section 15-183.
(h) Section 15-534.
(i) Section 15-782.02.
(j) Section 15-1330.
(k) Section 15-1881.
(l) Section 17-215.
(m) Section 26-103.
(n) SECTION 28-3413.
~~(n)~~ (o) Section 32-2108.01.
~~(o)~~ (p) Section 32-2123.
~~(p)~~ (q) Section 32-2371.
~~(q)~~ (r) Section 36-207.
~~(r)~~ (s) Section 36-411.
~~(s)~~ (t) Section 36-425.03.
~~(t)~~ (u) Section 36-446.04.
~~(u)~~ (v) Section 36-594.01.
~~(v)~~ (w) Section 36-594.02.
~~(w)~~ (x) Section 36-882.
~~(x)~~ (y) Section 36-883.02.
~~(y)~~ (z) Section 36-897.01.
~~(z)~~ (aa) Section 36-897.03.
~~(aa)~~ (bb) Section 36-3008.
~~(bb)~~ (cc) Section 41-619.53.
~~(cc)~~ (dd) Section 41-1964.
~~(dd)~~ (ee) Section 41-1967.01.
~~(ee)~~ (ff) Section 41-1968.
~~(ff)~~ (gg) Section 41-1969.

~~(gg)~~ (hh) Section 41-2814.
~~(hh)~~ (ii) Section 46-141, subsection A.
~~(ii)~~ (jj) Section 46-321.

Sec. 25. Section 41-1758, Arizona Revised Statutes, is amended to read:

41-1758. Definitions

In this article, unless the context otherwise requires:

1. "Agency" means the supreme court, the department of economic security, the department of education, the department of health services, the department of juvenile corrections, the department of emergency and military affairs, the department of transportation, the state real estate department, the board of fingerprinting or the board of examiners of nursing care institution administrators and assisted living facility managers.

2. "Division" means the fingerprinting division in the department of public safety.

3. "Good cause exception" means the issuance of a fingerprint clearance card to an employee pursuant to section 41-619.55.

4. "Person" means a person who is required to be fingerprinted pursuant to any of the following:

(a) Section 8-105.
(b) Section 8-322.
(c) Section 8-509.
(d) Section 8-802.
(e) Section 15-183.
(f) Section 15-503.
(g) Section 15-512.
(h) Section 15-534.
(i) Section 15-782.02.
(j) Section 15-1330.
(k) Section 15-1881.
(l) SECTION 17-215.
~~(l)~~ (m) Section 26-103.
(n) SECTION 28-3413.
~~(m)~~ (o) Section 32-2108.01.
~~(n)~~ (p) Section 32-2123.
~~(o)~~ (q) Section 32-2371.
~~(p)~~ (r) Section 36-207.
~~(q)~~ (s) Section 36-411.
~~(r)~~ (t) Section 36-425.03.
~~(s)~~ (u) Section 36-446.04.
~~(t)~~ (v) Section 36-594.01.
~~(u)~~ (w) Section 36-594.02.
~~(v)~~ (x) Section 36-882.
~~(w)~~ (y) Section 36-883.02.
~~(x)~~ (z) Section 36-897.01.

~~(y)~~ (aa) Section 36-897.03.
~~(z)~~ (bb) Section 36-3008.
~~(aa)~~ (cc) Section 41-619.52.
~~(bb)~~ (dd) Section 41-619.53.
~~(cc)~~ (ee) Section 41-1964.
~~(dd)~~ (ff) Section 41-1967.01.
~~(ee)~~ (gg) Section 41-1968.
~~(ff)~~ (hh) Section 41-1969.
~~(gg)~~ (ii) Section 41-2814.
~~(hh)~~ (jj) Section 46-141, subsection A.
~~(ii)~~ (kk) Section 46-321.

5. "Vulnerable adult" has the same meaning prescribed in section 13-3623.

Sec. 26. Section 41-1758.01, Arizona Revised Statutes, is amended to read:

41-1758.01. Fingerprinting division; duties

The fingerprinting division is established in the department of public safety and shall:

1. Conduct fingerprint background checks for persons and applicants who are seeking licenses from state agencies, employment with licensees, contract providers and state agencies or employment or educational opportunities with agencies that require fingerprint background checks pursuant to sections 8-105, 8-322, 8-509, 8-802, 15-183, 15-503, 15-512, 15-534, 15-782.02, 15-1330, 15-1881, 17-215, 26-103, 28-3413, 32-2108.01, 32-2123, 32-2371, 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 and 41-2814, section 46-141, subsection A and section 46-321.

2. Issue fingerprint clearance cards. On issuance, a fingerprint clearance card becomes the personal property of the cardholder and the cardholder shall retain possession of the fingerprint clearance card.

3. On submission of an application for a fingerprint clearance card, collect the fees established by the board of fingerprinting pursuant to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the monies collected in the board of fingerprinting fund.

4. Inform in writing each person who submits fingerprints for a fingerprint background check of the person's right to petition the board of fingerprinting for a good cause exception pursuant to sections 41-1758.03 and 41-1758.07.

5. Administer and enforce this article.

Sec. 27. Exemption from rule making

For the purposes of this act, the department of transportation is exempt from the rule making requirements of title 41, chapter 6, Arizona Revised Statutes, through June 30, 2015.

Sec. 28. Retention of rules

All rules that relate to traffic survival schools and that are adopted by the department of transportation before the effective date of this act remain in full force until amended by the department of transportation.

Sec. 29. Existing authorized third parties

Notwithstanding section 28-5101.01, Arizona Revised Statutes, as added by this act, an authorized third party who is authorized to perform driver license functions before the department of transportation implements section 28-5101.01, Arizona Revised Statutes, as added by this act, is not required to comply with the requirements prescribed in section 28-5101.01, subsection C, Arizona Revised Statutes, as added by this act, until the renewal of the authorized third party's current agreement.

Sec. 30. Existing professional driving schools

A professional driving school that is licensed pursuant to title 32, chapter 23, Arizona Revised Statutes, shall renew the school's license as prescribed in section 32-2374, Arizona Revised Statutes, and is not entitled to any refund or proration of any of renewal fees paid pursuant to section 32-2374, Arizona Revised Statutes.

Sec. 31. Effective date

Sections 28-3307, 28-6991, 32-2351, 32-2353, 41-619.51, 41-1758 and 41-1758.01, Arizona Revised Statutes, as amended by this act, and section 28-3323, Arizona Revised Statutes, and title 28, chapter 8, article 7.1, Arizona Revised Statutes, as added by this act, are effective from and after June 30, 2014.

APPROVED BY THE GOVERNOR APRIL 29, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2013.

Passed the House March 7, 2013

by the following vote: 47 Ayes,

12 Nays, 1 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate April 18, 2013

by the following vote: 26 Ayes,

2 Nays, 2 Not Voting

President of the Senate

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. 2183

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE

April 25, 2013,

by the following vote: 38 Ayes,

14 Nays, 8 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

25 day of April, 2013,

at 3:30 o'clock P M.

Mikhaila Howard

Secretary to the Governor

Approved this 29th day of

April, 2013,

at 3:51 o'clock P. M.

Janice K. Brewer

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 30th day of April, 2013,

at 9:35 o'clock a M.

Ken Bennett

Secretary of State

H.B. 2183