



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

April 3, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on April 3, 2018:

- HB 2036 substitute teachers; experience; certification (Carter)
- HB 2097 pension funding policies; employers (Livingston)
- HB 2169 driving violations; restricted licenses; penalties (Boyer)
- HB 2198 property tax; delinquent tax list (Shope)
- HB 2245 prohibited bail; sexual conduct; molestation (Farnsworth, E.)
- HB 2272 unmanned aircraft; emergencies; immunity (Thorpe)
- HB 2302 private postsecondary regulation; opt-in (Thorpe)
- HB 2421 national guard; employment rights (Andrade)
- HB 2457 corporation commission; database fee; prohibited (Norgaard)
- HB 2561 schools; civics literacy state seal (Boyer)
- HB 2591 fallen correctional employees memorial; extension (Shope)
- HB 2603 corporations; blockchain technology (Weninger)
- SB 1110 photo radar; review; penalty (Borrelli)
- SB 1159 school employees; contracts; revisions (Allen, S.)
- SB 1163 credit security freezes; fees; prohibition (Brophy McGee)
- SB 1240 weights and measures; duties; systems (Pratt)
- SB 1376 landlord tenant act; personal property (Griffin)
- SB 1393 dissolution; human embryos; disposition (Barto)
- SB 1432 ranchers; landowners; fire training (Griffin)

Sincerely,

A handwritten signature in black ink that reads "Douglas A. Ducey". The signature is written in a cursive style with a large initial 'D' and a distinct 'A'.

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

House Engrossed
FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 113
HOUSE BILL 2169

AN ACT

AMENDING SECTION 25-518, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-144; AMENDING SECTIONS 28-661, 28-1387, 28-1401, 28-1402 AND 28-1601, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 5, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-1603; AMENDING SECTIONS 28-3308, 28-3473 AND 28-3480, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 8, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-3482 AND 28-3483; AMENDING SECTIONS 28-3511 AND 28-4135, ARIZONA REVISED STATUTES; RELATING TO DRIVING PRIVILEGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 25-518, Arizona Revised Statutes, is amended to
3 read:

4 25-518. Child support arrearage; license suspension; hearing

5 A. If a court finds from the evidence presented at a hearing to
6 enforce a child support order that the obligor has wilfully failed to pay
7 child support, continues after notice pursuant to section 25-517,
8 subsection A to wilfully fail to pay child support and is at least six
9 months in arrears, the court shall do either of the following:

10 1. Send a certificate of noncompliance to the board or agency
11 ordering the suspension or denial of a driver license or recreational
12 license.

13 2. Send a certificate of noncompliance to the department of
14 transportation that the noncommercial driver license of the obligor be
15 restricted to travel AS DESCRIBED IN SECTION 28-144. as follows:

16 ~~(a) Between the person's place of employment and residence during~~
17 ~~specified periods of time while at employment.~~

18 ~~(b) Between the person's place of residence, the person's place of~~
19 ~~employment and the person's secondary or postsecondary school according to~~
20 ~~the person's employment or educational schedule.~~

21 ~~(c) Between the person's place of residence and a screening,~~
22 ~~education or treatment facility for scheduled appointments.~~

23 ~~(d) Between the person's place of residence and the office of a~~
24 ~~physician or other health care professional.~~

25 ~~(e) Between the person's place of residence and a location~~
26 ~~designated for the purpose of parenting time.~~

27 B. To be eligible for a restricted license pursuant to subsection
28 A, paragraph 2 of this section, the obligor must do all of the following:

29 1. Be employed for at least thirty hours per week.

30 2. Have a place of employment or attend a school that is located
31 more than one mile from the obligor's place of residence.

32 3. Show that the employment or educational endeavor can reasonably
33 be expected to contribute to bringing the obligor into compliance with the
34 support order in a timely manner.

35 4. Enter into a payment plan with the department of economic
36 security to pay the child support arrearage. If the court finds that the
37 obligor is not in compliance with the agreement at any time, the obligor
38 is subject to license suspension pursuant to this section.

39 C. If the obligor has complied with the support order since the
40 suspension or denial, the obligor may petition the court for a hearing.
41 If the obligor establishes at the review hearing that the obligor is in
42 compliance with the support order or a court ordered plan for payment of
43 arrearages, the court shall send a certificate of compliance to the board
44 or agency. Except for licenses issued under title 17, the obligor may
45 then apply for license reinstatement and shall pay all applicable fees.

1 D. In a title IV-D case, the department or its agent may file with
2 the clerk of the superior court an affidavit indicating that the obligor
3 is in compliance with the support order or the child support obligation.
4 Within five business days after the affidavit is filed, the clerk shall
5 send a notice of compliance to the obligor by first class mail. The clerk
6 shall send a copy of the notice of compliance to the department and the
7 licensing board or agency.

8 E. Except for licenses issued under title 17, the board or agency
9 shall suspend or deny the license of the licensee within thirty days after
10 receiving the notice of noncompliance from the court. The board or agency
11 shall not lift the suspension until the board or agency receives a
12 certificate of compliance from the court. Notwithstanding section
13 41-1064, subsection C and section 41-1092.11, subsection B, the board or
14 agency is not required to conduct a hearing. The board or agency shall
15 notify the department in writing or by any other means prescribed by the
16 department of all suspensions within ten days after the suspension. The
17 information shall include the name, address, date of birth and social
18 security number of the licensee and the license category.

19 F. A certificate of noncompliance without further action
20 invalidates a license to take wildlife in this state and prohibits the
21 obligor from applying for a license issued by an automated drawing system
22 under title 17. The court shall send a copy of the certificate of
23 noncompliance to the department of economic security, and the department
24 of economic security shall notify the Arizona game and fish department of
25 all obligors against whom a notice of noncompliance has been issued and
26 who have applied for a license issued by an automated drawing system.

27 G. Notwithstanding this section, the title IV-D agency or its agent
28 may send a certificate of noncompliance to a board or agency to order it
29 to suspend an obligor's professional or occupational license if the
30 obligor:

31 1. Has wilfully failed to pay child support, continues after notice
32 pursuant to section 25-517, subsection ~~D~~ E to wilfully fail to pay child
33 support and is at least six months in arrears.

34 2. Requested an administrative review and the determination
35 confirms that the obligor is required to pay child support and has
36 wilfully failed to pay and that either the obligor did not request a
37 hearing on the determination or the determination was upheld after a
38 hearing.

39 3. Failed to respond to the notice pursuant to section 25-517,
40 subsection ~~D~~ E.

41 H. If the obligor has paid all arrearages or if the obligor has
42 entered into a written agreement with the title IV-D agency or its agent,
43 the title IV-D agency shall issue a notice of compliance to the licensing
44 board or agency.

1 Sec. 2. Title 28, chapter 1, article 3, Arizona Revised Statutes,
2 is amended by adding section 28-144, to read:

3 28-144. Driver license or permit restrictions

4 A. EXCEPT AS OTHERWISE PROVIDED BY LAW, A RESTRICTION ON A PERSON'S
5 DRIVER LICENSE OR PERMIT TO DRIVE AS A RESULT OF A CONVICTION FOR A
6 VIOLATION OF THIS TITLE MAY LIMIT THE PERSON'S PRIVILEGE TO DRIVE FOR THE
7 FOLLOWING APPLICABLE PURPOSES:

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

10 2. BETWEEN THE PERSON'S RESIDENCE OR PLACE OF EMPLOYMENT AND THE
11 PERSON'S SCHOOL ACCORDING TO THE PERSON'S EMPLOYMENT OR EDUCATION
12 SCHEDULE.

13 3. BETWEEN THE PERSON'S RESIDENCE, PLACE OF EMPLOYMENT OR SCHOOL
14 AND THE OFFICE OF A HEALTH PROFESSIONAL AS DEFINED IN SECTION 32-3201.

15 4. BETWEEN THE PERSON'S RESIDENCE, PLACE OF EMPLOYMENT OR SCHOOL
16 AND A SCREENING, EDUCATION OR TREATMENT FACILITY FOR SCHEDULED
17 APPOINTMENTS.

18 5. BETWEEN THE PERSON'S RESIDENCE, PLACE OF EMPLOYMENT OR SCHOOL
19 AND THE OFFICE OF THE PERSON'S PROBATION OFFICER FOR SCHEDULED
20 APPOINTMENTS.

21 6. BETWEEN THE PERSON'S RESIDENCE, PLACE OF EMPLOYMENT OR SCHOOL
22 AND A CERTIFIED IGNITION INTERLOCK DEVICE SERVICE FACILITY.

23 7. BETWEEN THE PERSON'S RESIDENCE AND A LOCATION DESIGNATED FOR THE
24 PURPOSE OF PARENTING TIME AS DEFINED IN SECTION 25-401.

25 8. TO TRANSPORT A DEPENDENT PERSON WHO IS LIVING WITH THE DRIVER,
26 BETWEEN THE DRIVER'S RESIDENCE AND THE DEPENDENT PERSON'S EMPLOYMENT,
27 SCHOOL OR MEDICAL APPOINTMENT.

28 B. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A PERSON WHO IS
29 THE HOLDER OF A COMMERCIAL DRIVER LICENSE ISSUED PURSUANT TO THIS TITLE.

30 Sec. 3. Section 28-661, Arizona Revised Statutes, is amended to
31 read:

32 28-661. Accidents involving death or physical injuries;
33 failure to stop; violation; classification; driver
34 license revocation; restricted privilege to drive;
35 alcohol or other drug screening

36 A. The driver of a vehicle involved in an accident resulting in
37 injury to or death of a person shall:

38 1. Immediately stop the vehicle at the scene of the accident or as
39 close to the accident scene as possible but shall immediately return to
40 the accident scene.

41 2. Remain at the scene of the accident until the driver has
42 fulfilled the requirements of section 28-663.

43 B. A driver who is involved in an accident resulting in death or
44 serious physical injury as defined in section 13-105 and who fails to stop
45 or to comply with the requirements of section 28-663 is guilty of a class

1 3 felony, except that if a driver caused the accident the driver is guilty
2 of a class 2 felony.

3 C. A driver who is involved in an accident resulting in an injury
4 other than death or serious physical injury as defined in section 13-105
5 and who fails to stop or to comply with the requirements of section 28-663
6 is guilty of a class 5 felony.

7 D. The sentence imposed on a person for a conviction under this
8 section shall run consecutively to any sentence imposed on the person for
9 other convictions on any other charge related to the accident.

10 E. The department shall revoke the license or permit to drive and
11 any nonresident operating privilege of a person convicted pursuant to
12 subsection B of this section as follows:

13 1. For an accident resulting in serious physical injury, five
14 years, not including any time that the person is incarcerated.

15 2. For an accident resulting in death, ten years, not including any
16 time that the person is incarcerated.

17 F. Five or more years after the revocation period has begun
18 pursuant to subsection E, paragraph 2 of this section, not including any
19 time that the person is incarcerated, a person may apply to the department
20 for a restricted privilege to drive ~~as described in section 28-3473,~~
21 ~~subsection B.~~ The department may issue a restricted privilege to drive as
22 described in section ~~28-3473,~~ subsection B 28-144 if the department finds
23 both of the following:

24 1. The person is not convicted of any offense involving the
25 operation of a motor vehicle while the person's driving privilege is
26 revoked.

27 2. The person has paid full restitution as ordered by the court.

28 G. The department shall revoke the license or permit to drive and
29 any nonresident operating privilege of a person convicted pursuant to
30 subsection C of this section for three years.

31 H. If the court finds by a preponderance of the evidence that the
32 person's use of intoxicating liquor, any drug listed in section 13-3401, a
33 vapor releasing substance containing a toxic substance or any combination
34 of liquor, drugs or vapor releasing substances was a contributing factor
35 to the accident, the court shall order the person to complete alcohol or
36 other drug screening.

37 Sec. 4. Section 28-1387, Arizona Revised Statutes, is amended to
38 read:

39 28-1387. Prior convictions; alcohol or other drug screening,
40 education and treatment; license suspension;
41 supervised probation; civil liability; procedures

42 A. The court shall allow the allegation of a prior conviction or
43 any other pending charge of a violation of section 28-1381, 28-1382 or
44 28-1383 or an act in another jurisdiction that if committed in this state
45 would be a violation of section 28-1381, 28-1382 or 28-1383 filed twenty
46 or more days before the date the case is actually tried and may allow the

1 allegation of a prior conviction or any other pending charge of a
2 violation of section 28-1381, 28-1382 or 28-1383 or an act in another
3 jurisdiction that if committed in this state would be a violation of
4 section 28-1381, 28-1382 or 28-1383 filed at any time before the date the
5 case is actually tried if this state makes available to the defendant when
6 the allegation is filed a copy of any information obtained concerning the
7 prior conviction or other pending charge. Any conviction may be used to
8 enhance another conviction irrespective of the dates on which the offenses
9 occurred within the eighty-four month provision. For the purposes of this
10 article, an order of a juvenile court adjudicating a person delinquent is
11 equivalent to a conviction.

12 B. In addition to any other penalties prescribed by law, the judge
13 shall order a person who is convicted of a violation of section 28-1381,
14 28-1382 or 28-1383 to complete alcohol or other drug screening that is
15 provided by a facility approved by the department of health services, the
16 United States department of veterans affairs or a probation department.
17 If a judge determines that the person requires further alcohol or other
18 drug education or treatment, the person may be required pursuant to court
19 order to obtain alcohol or other drug education or treatment under the
20 court's supervision from an approved facility. The judge may review an
21 education or treatment determination at the request of the state, the
22 defendant or the probation officer or on the judge's initiative. The
23 person shall pay the costs of the screening, education or treatment
24 unless, after considering the person's ability to pay all or part of the
25 costs, the court waives all or part of the costs. If a person is referred
26 to a screening, education or treatment facility, the facility shall report
27 to the court whether the person has successfully completed the screening,
28 education or treatment program. The court may accept evidence of a
29 person's completion of alcohol or other drug screening pursuant to section
30 28-1445 as sufficient to meet the requirements of this section or section
31 28-1381, 28-1382 or 28-1383 or may order the person to complete additional
32 alcohol or other drug screening, education or treatment programs. If a
33 person has previously been ordered to complete an alcohol or other drug
34 screening, education or treatment program pursuant to this section, the
35 judge shall order the person to complete an alcohol or other drug
36 screening, education or treatment program unless the court determines that
37 alternative sanctions are more appropriate.

38 C. After a person who is sentenced pursuant to section 28-1381,
39 subsection I has served twenty-four consecutive hours in jail or after a
40 person who is sentenced pursuant to section 28-1381, subsection K or
41 section 28-1382, subsection D or E has served forty-eight consecutive
42 hours in jail and after the court receives confirmation that the person is
43 employed or is a student, the court shall provide in the sentence that the
44 defendant, if the defendant is employed or is a student and can continue
45 the defendant's employment or schooling, may continue the employment or
46 schooling for not more than twelve hours a day nor more than six days a

1 week, unless the court finds good cause to not allow the release and
2 places those findings on the record. The person shall spend the remaining
3 day, days or parts of days in jail until the sentence is served and shall
4 be allowed out of jail only long enough to complete the actual hours of
5 employment or schooling.

6 D. Unless the license of a person convicted under section 28-1381
7 or 28-1382 has been or is suspended pursuant to section 28-1321 or
8 28-1385, the department on receipt of the abstract of conviction of a
9 violation of section 28-1381 or 28-1382 shall suspend the license of the
10 affected person for not less than ninety consecutive days.

11 E. When the department receives notification that the person meets
12 the criteria provided in section 28-1385, subsection G, the department
13 shall suspend the driving privileges of the person for not less than
14 thirty consecutive days and shall restrict the PERSON'S driving privileges
15 of the person AS DESCRIBED IN SECTION 28-144 for not less than sixty
16 consecutive additional days. ~~to travel between any of the following:~~

17 ~~1. The person's place of employment and residence and during~~
18 ~~specified periods of time while at employment.~~

19 ~~2. The person's place of residence and the person's secondary or~~
20 ~~postsecondary school, according to the person's employment or educational~~
21 ~~schedule.~~

22 ~~3. The person's place of residence and a screening, education or~~
23 ~~treatment facility for scheduled appointments.~~

24 ~~4. The person's place of residence and the office of the person's~~
25 ~~probation officer for scheduled appointments.~~

26 F. If a person is placed on probation for violating section 28-1381
27 or 28-1382, the probation shall be supervised unless the court finds that
28 supervised probation is not necessary or the court does not have
29 supervisory probation services.

30 G. Any political subdivision processing or using the services of a
31 person ordered to perform community restitution pursuant to section
32 28-1381 or 28-1382 does not incur any civil liability to the person
33 ordered to perform community restitution as a result of these activities
34 unless the political subdivision or its agent or employee acts with gross
35 negligence.

36 H. ~~If a person fails to complete the community restitution ordered~~
37 ~~pursuant to section 28-1381, subsection K or section 28-1382, subsection~~
38 ~~E, The court may order alternative sanctions TO COMMUNITY RESTITUTION THAT~~
39 ~~IS ORDERED PURSUANT TO SECTION 28-1381, SUBSECTION K OR SECTION 28-1382,~~
40 ~~SUBSECTION E if the court determines that EDUCATION, TREATMENT OR OTHER~~
41 ~~alternative sanctions are more appropriate.~~

42 I. Except for another violation of this article, the state shall
43 not dismiss a charge of violating any provision of this article unless
44 there is an insufficient legal or factual basis to pursue that charge.

1 Sec. 5. Section 28-1401, Arizona Revised Statutes, is amended to
2 read:

3 28-1401. Special ignition interlock restricted driver
4 licenses; application fee

5 A. A person whose class D or class G license has been suspended
6 pursuant to section 28-1385 or suspended or revoked for a first refusal
7 pursuant to section 28-1321, a second violation of section 28-1381 or
8 28-1382 or a first violation of section 28-1383, subsection A, paragraph 3
9 may apply to the department for a special ignition interlock restricted
10 driver license that allows a person to operate a motor vehicle during the
11 period of suspension or revocation subject to the restrictions prescribed
12 DESCRIBED in section ~~28-1402~~ 28-144 and the certified ignition interlock
13 device requirements prescribed in article 5 of this chapter if the
14 person's privilege to operate a motor vehicle has been suspended or
15 revoked due to an alcohol related offense pursuant to any of the
16 following:

17 1. Section 28-1321, if the person meets the criteria of section
18 28-1321, subsection P.

19 2. Section 28-1381, if the person meets the criteria of section
20 28-1381, subsection O and the person presents evidence that is
21 satisfactory to the director and that shows that the person has completed
22 the requirements prescribed in section 28-1387, subsection B.

23 3. Section 28-1382, if the person meets the criteria of section
24 28-1382, subsection H and the person presents evidence that is
25 satisfactory to the director and that shows that the person has completed
26 the requirements prescribed in section 28-1387, subsection B.

27 4. Section 28-1383, if the person meets the criteria of section
28 28-1383, subsection K and the person presents evidence that is
29 satisfactory to the director and that shows that the person has completed
30 the requirements prescribed in section 28-1387, subsection B.

31 5. Section 28-1385, if the person meets the criteria of section
32 28-1385, subsection G.

33 B. An applicant for a special ignition interlock restricted driver
34 license shall pay an application fee in an amount to be determined by the
35 director.

36 C. The department shall issue a special ignition interlock
37 restricted driver license during the period of a court ordered restriction
38 pursuant to sections 28-3320 and 28-3322 subject to the restrictions
39 prescribed DESCRIBED in section ~~28-1402~~ 28-144 and the certified ignition
40 interlock requirements prescribed in article 5 of this chapter.

41 D. If the department issues a special ignition interlock restricted
42 driver license, the department shall not delete a suspension or revocation
43 from its records.

44 E. The granting of a special ignition interlock restricted driver
45 license does not reduce or eliminate the required use of an ignition
46 interlock device pursuant to section 28-3319.

1 Sec. 6. Section 28-1402, Arizona Revised Statutes, is amended to
2 read:

3 28-1402. Issuance of special ignition interlock restricted
4 driver license

5 A. On application pursuant to section 28-1401, subsection A the
6 department may, and pursuant to section 28-1401, subsection C the
7 department shall, issue a special ignition interlock restricted driver
8 license that only allows a person whose class D or class G license has
9 been suspended pursuant to section 28-1385 or suspended or revoked for a
10 first refusal pursuant to section 28-1321, a second violation of section
11 28-1381 or 28-1382 or a first violation of section 28-1383, subsection A,
12 paragraph 3 to operate a motor vehicle that is equipped with a functioning
13 certified ignition interlock device and only UNDER THE RESTRICTIONS
14 DESCRIBED IN SECTION 28-144. ~~as follows:~~

15 ~~1. Between the person's place of employment and residence during~~
16 ~~specified periods of time while at employment.~~

17 ~~2. Between the person's place of residence, the person's place of~~
18 ~~employment and the person's secondary or postsecondary school according to~~
19 ~~the person's employment or educational schedule.~~

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

22 ~~4. Between the person's place of residence and the office of the~~
23 ~~person's probation officer for scheduled appointments.~~

24 ~~5. Between the person's place of residence and the office of a~~
25 ~~physician or other health care professional.~~

26 ~~6. Between the person's place of residence and a certified ignition~~
27 ~~interlock device service facility.~~

28 B. The department may only issue a special ignition interlock
29 restricted driver license to an applicant who is otherwise qualified by
30 law.

31 C. Except as provided in section 28-1463, if the department
32 suspends, revokes, cancels or otherwise rescinds a person's special
33 ignition interlock restricted license or privilege for any reason, the
34 department shall not issue a new license or reinstate the special ignition
35 interlock restricted driver license during the prescribed period of
36 suspension or revocation or while the person is otherwise ineligible to
37 receive a license.

38 Sec. 7. Section 28-1601, Arizona Revised Statutes, is amended to
39 read:

40 28-1601. Failure to pay civil penalty; suspension or
41 restriction of driving privilege; collection
42 procedure

43 A. A person shall pay all civil penalties within thirty days from
44 entry of judgment, except that if payment within thirty days will place an
45 undue economic burden on a person, the court may extend the time for
46 payment or may provide for installment payments. If the civil penalty is

1 not paid or an installment payment is not made when due, the court may
2 declare the entire civil penalty due and, if so, the court shall DO EITHER
3 OF THE FOLLOWING:

4 1. Notify the department and the department shall promptly suspend
5 ~~the driver license or permit of the driver,~~ PERSON'S DRIVING PRIVILEGE OR
6 the person's application or privilege to apply for a ~~driver license or~~
7 ~~permit or the privilege of a nonresident to drive a motor vehicle in this~~
8 ~~state,~~ DRIVING PRIVILEGE until the civil penalty is paid.

9 2. ORDER THAT THE PERSON'S DRIVING PRIVILEGE BE RESTRICTED AS
10 DESCRIBED IN SECTION 28-144 UNTIL THE CIVIL PENALTY IS PAID AND NOTIFY THE
11 DEPARTMENT OF THE RESTRICTION.

12 B. Notwithstanding subsection A of this section, if a civil penalty
13 is paid on entry of judgment, the court may reduce the civil penalty by up
14 to five ~~per cent~~ PERCENT of the penalty imposed.

15 C. Notwithstanding subsection A of this section, the court shall
16 not initiate collection procedures on an unpaid civil penalty, notify the
17 department to suspend a person's driver license, permit or privilege to
18 drive a motor vehicle in this state or notify the department to refuse to
19 renew a vehicle registration for an unpaid civil traffic violation if all
20 of the following apply:

21 1. The unpaid civil penalty is for a traffic violation for which
22 the final disposition occurs more than thirty-six months before the court
23 initiates collection proceedings.

24 2. The court does not have a paper or electronic record dated
25 within thirty-six months after the traffic violation occurs indicating
26 that the responsible person was notified that the civil penalty is unpaid
27 and due.

28 3. The court has not notified the department to suspend the
29 responsible person's driver license or permit or privilege to drive a
30 motor vehicle in this state.

31 4. The court has not notified either the responsible person or the
32 department about the court's request to the department to refuse to renew
33 the responsible person's vehicle registration pursuant to article 5 of
34 this chapter.

35 5. The court does not have a record of extending the time for
36 payment of the civil penalty or providing for installment payments.

37 D. If the court is prohibited from initiating collection procedures
38 on an unpaid civil penalty, from notifying the department to suspend a
39 person's driver license, permit or privilege to drive a motor vehicle in
40 this state or from notifying the department to refuse to renew a vehicle
41 registration, pursuant to subsection C of this section, the court shall
42 notify the department and the department shall remove the violation from
43 the person's driving record.

44 E. With the approval of the supreme court, the presiding judge of
45 any court may periodically conduct a program aimed at reducing the amount
46 of outstanding fines, penalties, ASSESSMENTS and surcharges.

1 Notwithstanding any other law, except a fine ordered as a result of a
2 violation of section 28-1381 or 28-1382, the program may include
3 authorizing up to a fifty ~~per cent~~ PERCENT reduction in the total amount
4 of a court ordered fine, penalty, ASSESSMENT or surcharge that is due and
5 that is delinquent for at least twelve months followed by an increased
6 enforcement effort for a fine, penalty, ASSESSMENT or surcharge that is
7 not paid. The supreme court shall adopt rules of procedure for the
8 programs.

9 F. If penalties are reduced pursuant to subsection E of this
10 section, associated surcharges and assessments shall be reduced in
11 proportion to the reduction. This subsection does not apply to section
12 12-116.

13 G. If a person presents reasonable evidence to the court that a
14 civil penalty and any other fees, fines, ASSESSMENTS or surcharges
15 required by the court have been paid, the court shall cease its collection
16 activities for that civil penalty and order the department to immediately
17 rescind its actions related to the court's order or request to suspend the
18 person's driver license, permit or privilege to drive pursuant to
19 subsection A of this section or refuse to renew the person's vehicle
20 registration pursuant to article 5 of this chapter.

21 Sec. 8. Title 28, chapter 5, article 4, Arizona Revised Statutes,
22 is amended by adding section 28-1603, to read:

23 28-1603. Civil penalty mitigation

24 A. NOTWITHSTANDING ANY OTHER LAW, A JUDGE MAY MITIGATE ANY CIVIL
25 PENALTY THAT IS REQUIRED UNDER CHAPTERS 3, 5, 7 AND 9 OF THIS TITLE IF THE
26 PERSON WHO IS ORDERED TO PAY THE PENALTY DEMONSTRATES THAT THE PAYMENT
27 WOULD BE A HARDSHIP ON THE PERSON OR ON THE PERSON'S IMMEDIATE FAMILY.

28 B. IN DETERMINING WHETHER TO MITIGATE A CIVIL PENALTY, THE COURT
29 MAY CONSIDER ANY RELEVANT INFORMATION, INCLUDING ANY OF THE FOLLOWING:

30 1. THE CIVIL PENALTY'S IMPACT ON THE PERSON'S ABILITY TO PAY
31 RESTITUTION.

32 2. WHETHER THE CIVIL PENALTY WOULD CONSTITUTE A FINANCIAL HARDSHIP
33 TO THE PERSON OR THE PERSON'S IMMEDIATE FAMILY.

34 3. WHETHER THE PERSON RECEIVES TEMPORARY ASSISTANCE FOR NEEDY
35 FAMILIES PURSUANT TO 42 UNITED STATES CODE SECTION 603 OR SUPPLEMENTAL
36 NUTRITION ASSISTANCE PURSUANT TO 7 UNITED STATES CODE SECTIONS 2011
37 THROUGH 2036c.

38 4. WHETHER THE PERSON RECEIVES BENEFITS PURSUANT TO THE
39 SUPPLEMENTAL SECURITY INCOME PROGRAM (42 UNITED STATES CODE SECTIONS 1381
40 THROUGH 1385).

41 5. WHETHER THE PERSON IS LEGALLY AUTHORIZED TO BE EMPLOYED AND IS
42 SEEKING, OBTAINING OR MAINTAINING EMPLOYMENT OR IS ATTENDING SCHOOL.

43 C. THIS SECTION DOES NOT APPLY TO THE SURCHARGE IMPOSED AND
44 COLLECTED PURSUANT TO SECTION 16-954, SUBSECTION A.

1 Sec. 9. Section 28-3308, Arizona Revised Statutes, is amended to
2 read:

3 28-3308. Mandatory suspension; failure to appear

4 On notification BY THE COURT that a person failed to appear as
5 directed for a scheduled court appearance after service of the A CRIMINAL
6 complaint alleging a violation of a provision of this title, the
7 department shall suspend the person's driver license or nonresident
8 operating privilege until the person appears, ~~the fine or civil penalty is~~
9 ~~paid or a bond is forfeited.~~ IF THE PERSON APPEARS AND DOES NOT PAY THE
10 PERSON'S FINES, SURCHARGES OR ASSESSMENTS, ON NOTIFICATION BY THE COURT
11 THE DEPARTMENT SHALL SUSPEND THE PERSON'S DRIVING PRIVILEGES OR RESTRICT
12 THE PERSON'S DRIVING PRIVILEGES AS DESCRIBED IN SECTION 28-144 UNTIL THE
13 FINES, SURCHARGES AND ASSESSMENTS ARE PAID.

14 Sec. 10. Section 28-3473, Arizona Revised Statutes, is amended to
15 read:

16 28-3473. Driving on a suspended, revoked or canceled license;
17 violation; classification

18 A. Except as ~~otherwise~~ provided in this subsection SECTION 28-3482,
19 a person ~~who drives~~ MAY NOT OPERATE a motor vehicle on a public highway
20 ~~when~~ IF the person's privilege to drive a motor vehicle is suspended,
21 revoked, canceled or refused or ~~when~~ IF the person is disqualified from
22 driving.

23 B. A PERSON WHO VIOLATES THIS SECTION is guilty of a class 1
24 misdemeanor. ~~If the suspension is pursuant to section 28-1601 and the~~
25 ~~person presents to the court evidence that the person's privilege to drive~~
26 ~~has been reinstated, the court may dismiss the charge of driving under a~~
27 ~~suspended driver license.~~

28 ~~B. Except for a suspension pursuant to section 28-1601 or 28-3308,~~
29 ~~on receipt of a record of the conviction of a person under this section,~~
30 ~~the department shall notify a person who is eligible for a restricted~~
31 ~~privilege to drive pursuant to this section that the person is eligible.~~
32 ~~The department shall issue a license that restricts the person's privilege~~
33 ~~to drive as follows:~~

34 ~~1. Between the person's place of employment and residence during~~
35 ~~specified periods of time while at employment.~~

36 ~~2. Between the person's place of residence, the person's place of~~
37 ~~employment and the person's secondary or postsecondary school according to~~
38 ~~the person's employment or educational schedule.~~

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

41 ~~4. Between the person's place of residence and the office of the~~
42 ~~person's probation officer for scheduled appointments.~~

43 ~~5. Between the person's place of residence and the office of a~~
44 ~~physician or other health care professional.~~

45 ~~6. Between the person's place of residence and a certified ignition~~
46 ~~interlock device service facility.~~

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

4 ~~1. The person has completed all requirements of the sentence~~
5 ~~imposed by the court.~~

6 ~~2. The person has satisfied all suspension periods imposed on the~~
7 ~~person's driver license as a result of the conviction of or a finding of~~
8 ~~responsibility for a violation of any provision of this title except this~~
9 ~~section.~~

10 ~~3. The person pays the applicable reinstatement fee prescribed by~~
11 ~~section 28-3002.~~

12 Sec. 11. Section 28-3480, Arizona Revised Statutes, is amended to
13 read:

14 28-3480. Operation in violation of restriction;
15 classification; civil traffic violation

16 A. A person who operates a motor vehicle in violation of a driver
17 license restriction is guilty of a class 2 misdemeanor.

18 B. IF THE RESTRICTION THAT IS VIOLATED IS THE REQUIREMENT TO WEAR
19 CORRECTIVE LENSES WHILE OPERATING A MOTOR VEHICLE, THE PERSON IS
20 RESPONSIBLE FOR A CIVIL TRAFFIC VIOLATION.

21 Sec. 12. Title 28, chapter 8, article 8, Arizona Revised Statutes,
22 is amended by adding sections 28-3482 and 28-3483, to read:

23 28-3482. Driving on a license suspended for failure to appear
24 or pay; restricted privilege to drive; civil
25 penalty; dismissal

26 A. A PERSON MAY NOT DRIVE A MOTOR VEHICLE ON A PUBLIC HIGHWAY IF
27 THE PERSON'S PRIVILEGE TO DRIVE A MOTOR VEHICLE IS SUSPENDED PURSUANT TO
28 SECTION 28-1601 OR 28-3308.

29 B. A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A CIVIL
30 TRAFFIC VIOLATION.

31 C. IF A PERSON IS CITED FOR A VIOLATION OF THIS SECTION AND THE
32 PERSON PRESENTS EVIDENCE TO THE COURT THAT THE PERSON'S UNRESTRICTED
33 PRIVILEGE TO DRIVE HAS BEEN REINSTATED, THE COURT MAY DISMISS THE CHARGE
34 OF DRIVING UNDER A SUSPENDED LICENSE.

35 28-3483. Driving on a suspended license conviction;
36 restricted driving privilege

37 A PERSON WHO IS CONVICTED OF DRIVING ON A SUSPENDED CLASS D OR M
38 LICENSE BEFORE JANUARY 1, 2011 MAY APPLY FOR A RESTRICTED PRIVILEGE TO
39 DRIVE ON A FORM PRESCRIBED BY THE DIRECTOR. THE DEPARTMENT SHALL ISSUE A
40 RESTRICTED PRIVILEGE TO DRIVE THAT IS VALID FOR ONE YEAR AND THAT LIMITS
41 THE PERSON'S DRIVING PRIVILEGE AS DESCRIBED IN SECTION 28-144 IF THE
42 PERSON DOES ALL OF THE FOLLOWING:

43 1. COMPLETES ALL REQUIREMENTS OF THE SENTENCE IMPOSED BY THE COURT.

44 2. SATISFIES ALL SUSPENSION PERIODS IMPOSED ON THE PERSON'S DRIVING
45 PRIVILEGE AS A RESULT OF A CONVICTION OF OR A FINDING OF RESPONSIBILITY
46 FOR A VIOLATION OF THIS TITLE.

1 3. PAYS THE APPLICABLE REINSTATEMENT FEE AS PRESCRIBED BY SECTION
2 28-3002.

3 Sec. 13. Section 28-3511, Arizona Revised Statutes, is amended to
4 read:

5 28-3511. Removal and immobilization or impoundment of
6 vehicle; Arizona crime information center database

7 A. A peace officer shall cause the removal and either
8 immobilization or impoundment of a vehicle if the peace officer determines
9 that:

10 1. A person is driving the vehicle while any of the following
11 applies:

12 (a) Except as otherwise provided in this subdivision, the person's
13 driving privilege is ~~suspended or~~ revoked for any reason. A peace officer
14 shall not cause the removal and either immobilization or impoundment of a
15 vehicle pursuant to this subdivision if the person's privilege to drive is
16 valid in this state.

17 (b) The person has not ever been issued a valid driver license or
18 permit by this state and the person does not produce evidence of ever
19 having a valid driver license or permit issued by another jurisdiction.
20 This subdivision does not apply to the operation of an implement of
21 husbandry.

22 (c) The person is subject to an ignition interlock device
23 requirement pursuant to chapter 4 of this title and the person is
24 operating a vehicle without a functioning certified ignition interlock
25 device. This subdivision does not apply to the operation of a vehicle due
26 to a substantial emergency as defined in section 28-1464.

27 (d) In furtherance of the illegal presence of an alien in the
28 United States and in violation of a criminal offense, the person is
29 transporting or moving or attempting to transport or move an alien in this
30 state in a vehicle if the person knows or recklessly disregards the fact
31 that the alien has come to, has entered or remains in the United States in
32 violation of law.

33 (e) The person is concealing, harboring or shielding or attempting
34 to conceal, harbor or shield from detection an alien in this state in a
35 vehicle if the person knows or recklessly disregards the fact that the
36 alien has come to, entered or remains in the United States in violation of
37 law.

38 2. The vehicle is displayed for sale or for transfer of ownership
39 with a vehicle identification number that has been destroyed, removed,
40 covered, altered or defaced.

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

44 1. The person's driving privilege is canceled, ~~suspended~~ or revoked
45 for any reason or the person has not ever been issued a driver license or

1 permit by this state and the person does not produce evidence of ever
2 having a driver license or permit issued by another jurisdiction.

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

5 3. The person is driving a vehicle that is involved in an accident
6 that results in either property damage or injury to or death of another
7 person.

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

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

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

20 2. The spouse of the driver is with the driver at the time of the
21 arrest.

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

24 (a) Has a valid driver license.

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

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

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

33 5. The spouse drives the vehicle as prescribed by paragraph 4 of
34 this subsection.

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

40 F. The owner of a vehicle that is removed and either immobilized or
41 impounded pursuant to subsection A, B or C of this section, the spouse of
42 the owner and each person who has provided the department with indicia of
43 ownership as prescribed in section 28-3514 or other interest in the
44 vehicle that exists immediately before the immobilization or impoundment
45 shall be provided with an opportunity for an immobilization or poststorage
46 hearing pursuant to section 28-3514.

1 G. A law enforcement agency that employs the peace officer who
2 removes and either immobilizes or impounds a vehicle pursuant to this
3 section shall enter information about the removal and either
4 immobilization or impoundment of the vehicle in the Arizona crime
5 information center database within three business days after the removal
6 and either immobilization or impoundment.

7 Sec. 14. Section 28-4135, Arizona Revised Statutes, is amended to
8 read:

9 28-4135. Motor vehicle financial responsibility requirement;
10 civil penalties; restricted driving privilege;
11 evidence at hearing

12 A. A motor vehicle that is operated on a highway in this state
13 shall be covered by one of the following:

14 1. A motor vehicle or automobile liability policy that provides
15 limits not less than those prescribed in section 28-4009.

16 2. An alternate method of coverage as provided in section 28-4076.

17 3. A certificate of self-insurance as prescribed in section
18 28-4007.

19 4. A policy that satisfies the financial responsibility
20 requirements prescribed in article 2 of this chapter.

21 B. A person operating a motor vehicle on a highway in this state
22 shall have evidence within the motor vehicle of current financial
23 responsibility applicable to the motor vehicle. The evidence may be
24 displayed on a wireless communication device that is in the motor vehicle.
25 If a person displays the evidence on a wireless communication device
26 pursuant to this subsection, the person is not consenting for law
27 enforcement to access other contents of the wireless communication device.

28 C. Failure to produce evidence of financial responsibility on the
29 request of a law enforcement officer investigating a motor vehicle
30 accident or an alleged violation of a motor vehicle law of this state or a
31 traffic ordinance of a city or town is a civil traffic violation that is
32 punishable as prescribed in this section.

33 D. A citation issued for violating subsection B or C of this
34 section shall be dismissed if the person to whom the citation was issued
35 produces evidence to the appropriate court officer on or before the date
36 and time specified on the citation for court appearance and in a manner
37 specified by the court, including the certification of evidence by mail,
38 of either of the following:

39 1. The financial responsibility requirements prescribed in this
40 section were met for the motor vehicle at the date and time the citation
41 was issued.

42 2. A motor vehicle or automobile liability policy that meets the
43 financial responsibility requirements of this state and that insured the
44 person and the motor vehicle the person was operating at the time the
45 person received the citation regardless of whether or not the motor
46 vehicle was named in the policy.

1 E. Except as provided in section 28-4137, a person who violates
2 this section is subject to a civil penalty as follows:

3 1. The court shall impose a minimum civil penalty of five hundred
4 dollars for the first violation. On receipt of the abstract of the record
5 of judgment, the department shall suspend the ~~driver license of the person~~
6 ~~and the registration and license plates of the motor vehicle involved~~
7 PERSON'S DRIVING PRIVILEGES OR RESTRICT THE PERSON'S DRIVING PRIVILEGES AS
8 DESCRIBED IN SECTION 28-144 for three months. BEFORE ISSUING A RESTRICTED
9 DRIVING PRIVILEGE PURSUANT TO THIS PARAGRAPH, THE DEPARTMENT SHALL VERIFY
10 THAT THE PERSON IS IN COMPLIANCE WITH THE FINANCIAL RESPONSIBILITY
11 REQUIREMENTS OF THIS ARTICLE.

12 2. If a person violates this section a second time within a period
13 of thirty-six months, the court shall impose a minimum civil penalty of
14 seven hundred fifty dollars. On receipt of the abstract of the record of
15 judgment, the department shall suspend the driver license of the person
16 and the registration and license plates of the motor vehicle involved for
17 six months.

18 3. If a person violates this section three or more times within a
19 period of thirty-six months, the court shall impose a minimum civil
20 penalty of one thousand dollars. On receipt of the abstract of the record
21 of judgment, the department shall suspend the driver license of the person
22 and the registration and license plates of the motor vehicle involved for
23 one year. The department shall require on reinstatement of the driver
24 license, the registration and the license plates that the person file with
25 the department proof of financial responsibility in accordance with
26 article 3 of this chapter.

27 F. A court may require a person to produce an insurance
28 identification card as evidence in a hearing for a violation of this
29 section.

30 Sec. 15. Applicability

31 This act applies to:

32 1. All cases in which, as of the effective date of this act, the
33 defendant or violator has not been sentenced or assessed a civil penalty.

34 2. Any offense committed on or after the effective date of
35 this act.

36 Sec. 16. Effective date

37 This act is effective from and after December 31, 2018.

APPROVED BY THE GOVERNOR APRIL 3, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 2018

Passed the House February 7, 20 18

Passed the Senate March 28, 20 18

by the following vote: 56 Ayes,

by the following vote: 30 Ayes,

0 Nays, 3 Not Voting

0 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

29th day of March, 20 18

at 12:22 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 3rd day of

April 2018

at 1:36 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 3 day of April, 20 18

at 4:12 o'clock P. M.

[Signature]
Secretary of State

H.B. 2169