STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

April 10, 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 10, 2018:

HB 2173 notice of participation; jurisdictional elections (Coleman)
HB 2304 public buildings; omnibus (Campbell)
HB 2449 child care assistance; tiered reimbursement (Udall)
SB 1008 common schools; average daily membership (Petersen)
SB 1112 insurance; surplus lines; exemption (Fann)
SB 1117 liquor establishments; peace officers; firearms (Kavanagh)
SB 1164 DES; fingerprint card; tax information (Brophy McGee)
SB 1166 permanent guardianship; subsidy (Brophy McGee)
SB 1201 county treasurer; electronic records; liens (Worsley)
SB 1208 ATVs; off-highway vehicles (Pratt)
SB 1217 insurance; small employers; continuation coverage (Brophy McGee)
SB 1247 health insurance; mandated provision prohibited (Barto)
SB 1287 ADOT revisions (Worsley)
SB 1289 schools; national motto; state motto (Griffin)
SB 1353 limited liability company act; revisions (Worsley)
SB 1389 HIV; needs assessment; prevention (Brophy McGee)
SB 1494 environment; underground injection control program (Griffin)
SB 1500 employment security; employee; employer; status (Smith)
SB 1517 state dinosaur; Sonorasaurus (Brophy McGee)

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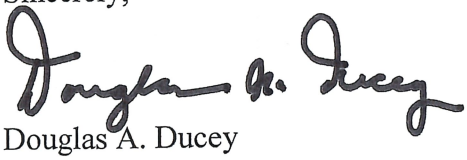
Sincerely,



Douglas A. Ducey
Governor
State of Arizona

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

Senate Engrossed
FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 166

SENATE BILL 1287

AN ACT

AMENDING SECTIONS 28-101, 28-364, 28-442, 28-448, 28-1321, 28-1385, 28-2158, 28-2356, 28-3306, 28-3318, 28-4133 AND 28-4147, 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) 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-five 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.

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. "Autocycle" means a three-wheeled motorcycle on which the driver and passengers ride in a fully or partially enclosed seating area that is equipped with a roll cage, safety belts for each occupant and antilock brakes and that is designed to be controlled with a steering wheel and pedals.

6. "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.

7. "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.

8. "Board" means the transportation board.

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

10. "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.

11. "Certificate of ownership" means a paper or an electronic record that is issued in another state or a foreign jurisdiction and that indicates ownership of a vehicle.

12. "Certificate of title" means a paper document or an electronic record that is issued by the department and that indicates ownership of a vehicle.

13. "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.

14. "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.

15. "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.

16. "County highway" means a public road that is constructed and maintained by a county.

17. "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 and has paid fees pursuant to section 28-4302.

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

19. "Digital network or software application" has the same meaning prescribed in section 28-9551.

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

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

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

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

24. "Electric personal assistive mobility device" means a self-balancing device with one wheel or two nontandem wheels and 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.

25. "EVIDENCE" INCLUDES BOTH OF THE FOLLOWING:

(a) A DISPLAY ON A WIRELESS COMMUNICATION DEVICE OF A DEPARTMENT-GENERATED DRIVER LICENSE, NONOPERATING IDENTIFICATION LICENSE, VEHICLE REGISTRATION CARD OR OTHER OFFICIAL RECORD OF THE DEPARTMENT THAT IS PRESENTED TO A LAW ENFORCEMENT OFFICER OR IN A COURT OR AN ADMINISTRATIVE PROCEEDING.

(b) AN ELECTRONIC OR DIGITAL LICENSE PLATE AUTHORIZED PURSUANT TO SECTION 28-364.

~~25.~~ 26. "Farm" means any lands primarily used for agriculture production.

~~26.~~ 27. "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing implements of husbandry.

~~27.~~ 28. "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.

~~28.~~ 29. "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.

~~29.~~ 30. "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.

~~30.~~ 31. "Implement of husbandry" means a vehicle that is designed primarily for agricultural purposes and that is 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.

~~31.~~ 32. "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.

~~32.~~ 33. "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.

~~33.~~ 34. "Local authority" means any county, municipal or other local board or body exercising jurisdiction over highways under the constitution and laws of this state.

~~34.~~ 35. "Manufacturer" means a person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

~~35.~~ 36. "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 percent grade.

~~39.~~ 37. "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 excludes a tractor and a moped.

~~36.~~ 38. "Motor driven cycle" means a motorcycle, including every motor scooter, with a motor that produces not more than five horsepower.

~~40.~~ 39. "Motorized quadricycle" means a self-propelled motor vehicle to which all of the following apply:

(a) The vehicle is self-propelled by an emission-free electric motor and may include pedals operated by the passengers.

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

(c) The vehicle seats at least eight passengers, including the driver.

(d) The vehicle is operable on a flat surface using solely the electric motor without assistance from the pedals or passengers.

(e) The vehicle is a commercial motor vehicle as defined in section 28-5201.

(f) The vehicle is a limousine operating under a vehicle for hire company permit issued pursuant to section 28-9503.

(g) The vehicle is manufactured by a motor vehicle manufacturer that is licensed pursuant to chapter 10 of this title.

(h) 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.~~ 40. "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.

~~38.~~ 41. "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.

~~41.~~ 42. "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.

~~42.~~ 43. "Nonresident" means a person who is not a resident of this state as defined in section 28-2001.

~~43.~~ 44. "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.

~~44.~~ 45. "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.

~~45.~~ 46. "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.

~~46.~~ 47. "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.

~~47.~~ 48. "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.

~~48.~~ 49. "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 sightseeing bus, school bus or taxi or a vehicle not operated on a scheduled route basis.

~~49.~~ 50. "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.

~~50.~~ 51. "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.

~~51.~~ 52. "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.

~~52.~~ 53. "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.

~~53.~~ 54. "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.

~~54.~~ 55. "State" means a state of the United States and the District of Columbia.

~~55.~~ 56. "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.

~~56.~~ 57. "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.

~~57.~~ 58. "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.

~~58.~~ 59. "Taxi" means a motor vehicle that has a seating capacity not exceeding fifteen passengers, including the driver, that provides passenger services and that:

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

(b) Offers local transportation for a fare determined on the basis of the distance traveled or prearranged ground transportation service as defined in section 28-141 for a predetermined fare.

~~59.~~ 60. "Title transfer form" means a paper or an electronic form that is prescribed by the department for the purpose of transferring a certificate of title from one owner to another owner.

~~60.~~ 61. "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.

~~61.~~ 62. "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.

~~62.~~ 63. "Transportation network company" has the same meaning prescribed in section 28-9551.

~~63.~~ 64. "Transportation network company vehicle" has the same meaning prescribed in section 28-9551.

~~64.~~ 65. "Transportation network service" has the same meaning prescribed in section 28-9551.

~~65.~~ 66. "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.

~~66.~~ 67. "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.

~~67.~~ 68. "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.

~~68.~~ 69. "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 28-364, Arizona Revised Statutes, is amended to read:

28-364. Powers of the director

A. The director may provide technical transportation planning expertise to local governments when requested, coordinate local government transportation planning with regional and state transportation planning and guide local transportation planning to assure compliance with federal requirements. The planning authority granted by this subsection does not preempt planning responsibilities and decisions of local governments.

B. If the governor declares a state of emergency, the director may contract and do all things necessary to provide emergency transportation services for the residents in the affected areas whether the emergency transportation is by street, rail or air.

C. On a determination that it is in this state's best interest, the director may authorize payment for necessary relocation costs in advance of work being performed if an existing facility owned by the United States must be relocated or adjusted due to construction, modification or improvement of a state highway. The director shall base each advance payment on an estimate of cost of the proposed relocation or adjustment prepared by the federal government and acceptable to the director and shall base the final compensation on the actual agreed cost.

D. The director of the department of transportation in consultation with the director of the department of public safety shall develop procedures to exchange information for any purpose related to sections 28-1324, 28-1325, 28-1326, 28-1462 and 28-3318.

E. THE DIRECTOR MAY ESTABLISH A SYSTEM OR PROCESS THAT DOES ALL OF THE FOLLOWING:

1. ALLOWS FOR MAILING NOTICES OF SERVICE OR OTHER LEGAL DOCUMENTS OR RECORDS OF THE DEPARTMENT ELECTRONICALLY OR DIGITALLY TO A PERSON WHO

CONSENTS TO RECEIVING THESE NOTICES, DOCUMENTS OR RECORDS THROUGH A SECURE ELECTRONIC OR DIGITAL SYSTEM.

2. ENABLES A PERSON TO ESTABLISH A FINANCIAL ACCOUNT IN THE DEPARTMENT'S DATABASE. THE ACCOUNT SHALL BE ACCESSIBLE BY THE PERSON OR THE PERSON'S AUTHORIZED REPRESENTATIVE TO REVIEW STATEMENTS OF ALL TRANSACTIONS ASSOCIATED WITH THE PERSON'S ACCOUNT AND TO MAKE PREPAYMENTS OR PAYMENTS FOR AUTHORIZED TRANSACTIONS WITH THE DEPARTMENT. NOTWITHSTANDING ANY OTHER LAW, MONIES IN FINANCIAL ACCOUNTS ESTABLISHED PURSUANT TO THIS SECTION THAT REMAIN UNEXPENDED FOR A PERIOD OF FIVE YEARS OR MORE REVERT TO THE ARIZONA HIGHWAY USER REVENUE FUND AND SHALL BE DISTRIBUTED PURSUANT TO SECTION 28-6538.

3. ALLOWS A PERSON TO COMPLY WITH THE PHOTOGRAPH UPDATE AND PROOF OF VISION TEST REQUIREMENTS PRESCRIBED BY SECTION 28-3173 THROUGH ELECTRONIC OR DIGITAL MEANS THAT MEET THE DEPARTMENT'S STANDARDS.

F. THE DIRECTOR, IN CONSULTATION WITH THE ARIZONA MEDICAL BOARD OR THE STATE BOARD OF OPTOMETRY, MAY DO ALL OF THE FOLLOWING:

1. ESTABLISH MEDICAL AND VISION STANDARDS FOR DRIVER LICENSE APPLICANTS AND EXAMINATIONS.

2. ESTABLISH COURSES OF TRAINING, TRAINING FACILITIES AND QUALIFICATIONS AND METHODS OF TRAINING FOR DRIVER LICENSE EXAMINING PERSONNEL.

3. ESTABLISH PROCEDURES FOR THE CERTIFICATION OF DRIVER LICENSE EXAMINING PERSONNEL AND DRIVER LICENSE INSTRUCTORS PERSONNEL.

4. DIRECT RESEARCH IN THE FIELD OF LICENSING DRIVERS. THE DIRECTOR MAY ACCEPT PUBLIC OR PRIVATE GRANTS FOR THE RESEARCH.

5. CONDUCT RESEARCH IN THE FIELD OF EXAMINATION OR REEXAMINATION OF LICENSING INDIVIDUAL DRIVERS WITH MEDICAL OR VISION PROBLEMS.

6. SET MINIMUM VISION STANDARDS FOR THE OPERATION OF A MOTOR VEHICLE IN THIS STATE.

G. THE DIRECTOR MAY IMPLEMENT ELECTRONIC OR DIGITAL VERSIONS OF DRIVER LICENSES, NONOPERATING IDENTIFICATION LICENSES, VEHICLE REGISTRATION CARDS, LICENSE PLATES OR ANY OTHER OFFICIAL RECORD OF THE DEPARTMENT.

Sec. 3. Section 28-442, Arizona Revised Statutes, is amended to read:

28-442. <u>Records; evidence</u>

A. A certified duplicate is deemed an original for all purposes and is admissible in evidence without further foundation in all courts or administrative agencies.

B. THE DISPLAY BY A PERSON OF EVIDENCE ON A WIRELESS COMMUNICATION DEVICE PURSUANT TO THIS TITLE DOES NOT CONSTITUTE CONSENT FOR LAW ENFORCEMENT TO ACCESS OTHER CONTENT OF THE WIRELESS COMMUNICATION DEVICE.

Sec. 4. Section 28-448, Arizona Revised Statutes, is amended to read:

28-448. Notice of address or name change; address update; civil traffic violation; definition

A. If a person's name or address changes after the person applies for or receives a driver license or nonoperating identification license or after the person applies for or receives a vehicle registration or vehicle title, the person shall notify the department within ten days after the change of the old and new address or the former and new name and the following:

1. If a registration or title is applied for or received, the number of vehicles registered to the person and the vehicle identification numbers of the vehicles.

2. If a driver license or nonoperating identification license is applied for or received, the person's date of birth and the number of each license held by the person or a statement that each license is suspended, revoked or canceled.

B. A person may notify the department of an address change by telephone, in writing, in person or by approved electronic means and MAY NOTIFY THE DEPARTMENT of a name change in person or in writing.

C. The department may update an address in a vehicle registration record or driver license record if a traffic citation received by the department or records of another consenting government agency indicate an address change after the date the address was stated in department records.

D. A violation of this section is a civil traffic violation.

E. FOR THE PURPOSES OF THIS SECTION, "ADDRESS" MEANS A LEGAL STREET ADDRESS, A POST OFFICE BOX OR AN ELECTRONIC OR DIGITAL ADDRESS THAT IS PROVIDED BY A PERSON WHO CONSENTS TO RECEIVE SERVICES OF NOTICE OR OTHER LEGAL DOCUMENTS OR RECORDS OF THE DEPARTMENT ELECTRONICALLY OR DIGITALLY PURSUANT TO SECTION 28-364.

Sec. 5. Section 28-1321, Arizona Revised Statutes, is amended to read:

28-1321. Implied consent; tests; refusal to submit to test; order of suspension; hearing; review; temporary permit; notification of suspension; special ignition interlock restricted driver license

A. A person who operates a motor vehicle in this state gives consent, subject to section 4-244, paragraph 34 or section 28-1381, 28-1382 or 28-1383, to a test or tests of the person's blood, breath, urine or other bodily substance for the purpose of determining alcohol concentration or drug content if the person is arrested for any offense arising out of acts alleged to have been committed in violation of this chapter or section 4-244, paragraph 34 while the person was driving or in actual physical control of a motor vehicle while under the influence of

intoxicating liquor or drugs. The test or tests chosen by the law enforcement agency shall be administered at the direction of a law enforcement officer having reasonable grounds to believe that the person was driving or in actual physical control of a motor vehicle in this state either:

1. While under the influence of intoxicating liquor or drugs.

2. If the person is under twenty-one years of age, with spirituous liquor in the person's body.

B. After an arrest a violator shall be requested to submit to and successfully complete any test or tests prescribed by subsection A of this section, and if the violator refuses the violator shall be informed that the violator's license or permit to drive will be suspended or denied for twelve months, or for two years for a second or subsequent refusal within a period of eighty-four months, unless the violator expressly agrees to submit to and successfully completes the test or tests. A failure to expressly agree to the test or successfully complete the test is deemed a refusal. The violator shall also be informed that:

1. If the test results show a blood or breath alcohol concentration of 0.08 or more, if the results show a blood or breath alcohol concentration of 0.04 or more and the violator was driving or in actual physical control of a commercial motor vehicle or if the results show there is any drug defined in section 13-3401 or its metabolite in the person's body and the person does not possess a valid prescription for the drug, the violator's license or permit to drive will be suspended or denied for not less than ninety consecutive days.

2. The violator's driving privilege, license, permit, right to apply for a license or permit or nonresident operating privilege may be issued or reinstated following the period of suspension only if the violator completes alcohol or other drug screening.

C. A person who is dead, unconscious or otherwise in a condition rendering the person incapable of refusal is deemed not to have withdrawn the consent provided by subsection A of this section and the test or tests may be administered, subject to section 4-244, paragraph 34 or section 28-1381, 28-1382 or 28-1383.

D. If a person under arrest refuses to submit to the test designated by the law enforcement agency as provided in subsection A of this section:

1. The test shall not be given, except as provided in section 28-1388, subsection E or pursuant to a search warrant.

2. The law enforcement officer directing the administration of the test shall:

(a) File a certified report of the refusal with the department.

(b) On behalf of the department, serve an order of suspension on the person that is effective fifteen days after the date the order is served.

(c) Require the immediate surrender of any license or permit to drive that is issued by this state and that is in the possession or control of the person. THE LAW ENFORCEMENT AGENCY MAY DO EITHER OF THE FOLLOWING TO A DRIVER LICENSE OR PERMIT TAKEN INTO POSSESSION UNDER THIS SUBDIVISION:

(i) IN COMPLIANCE WITH SECTIONS 41-151.15 AND 41-151.19, DESTROY THE DRIVER LICENSE OR PERMIT.

(ii) FORWARD THE DRIVER LICENSE OR PERMIT TO THE DEPARTMENT WITHIN FIVE DAYS AFTER THE ISSUANCE OF THE NOTICE OF SUSPENSION.

(d) If the license or permit is not surrendered, state the reason why it is not surrendered.

(e) If a valid license or permit is surrendered, issue a temporary driving permit that is valid for fifteen days.

(f) Forward the certified report of refusal, a copy of the completed notice of suspension~~,~~ AND a copy of any completed temporary permit ~~and any driver license or permit taken into possession under this section~~ to the department within five days after the issuance of the notice of suspension.

E. The certified report is subject to the penalty for perjury as prescribed by section 28-1561 and shall state all of the following:

1. The officer's reasonable grounds to believe that the arrested person was driving or in actual physical control of a motor vehicle in this state either:

(a) While under the influence of intoxicating liquor or drugs.

(b) If the person is under twenty-one years of age, with spirituous liquor in the person's body.

2. The manner in which the person refused to submit to the test or tests.

3. That the person was advised of the consequences of refusal.

F. On receipt of the certified report of refusal and a copy of the order of suspension and on the effective date stated on the order, the department shall enter the order of suspension on its records unless a written or online request for a hearing as provided in this section has been filed by the accused person. If the department receives only the certified report of refusal, the department shall notify the person named in the report in writing sent by mail that:

1. Fifteen days after the date of issuance of the notice the department will suspend the person's license or permit, driving privilege or nonresident driving privilege.

2. The department will provide an opportunity for a hearing if the person requests a hearing in writing or online and the request is received by the department within fifteen days after the notice is sent.

G. The order of suspension issued by a law enforcement officer or the department under this section shall notify the person that:

1. The person may submit a written or online request for a hearing.

2. The request for a hearing must be received by the department within fifteen days after the date of the notice or the order of suspension will become final.

3. The affected person's license or permit to drive or right to apply for a license or permit or any nonresident operating privilege will be suspended for twelve months from that date or for two years from that date for a second or subsequent refusal within a period of eighty-four months.

4. The person's driving privilege, license, permit, right to apply for a license or permit or nonresident operating privilege may be issued or reinstated following the period of suspension only if the person completes alcohol or other drug screening.

H. The order for suspension shall:

1. Be accompanied by printed forms that are ready to mail to the department, that may be filled out and signed by the person to indicate the person's desire for a hearing and that advise the person that the person may alternatively submit an online request for a hearing.

2. Advise the person that unless the person has surrendered any driver license or permit issued by this state the person's hearing request will not be accepted, except that the person may certify pursuant to section 28-3170 that the license or permit is lost or destroyed.

I. On the receipt of a request for a hearing, the department shall set the hearing within sixty days. The department may hold the hearing in person, by telephone or by videoconference. If the department holds the hearing in person, the hearing shall be held in the county in which the person named in the report resides unless the law enforcement agency filing the certified report of refusal pursuant to subsection D of this section requests at the time of its filing that the hearing be held in the county where the refusal occurred.

J. A timely request for a hearing stays the suspension until a hearing is held, except that the department shall not return any surrendered license or permit to the person but may issue temporary permits to drive that expire no later than when the department has made its final decision. If the person is a resident without a license or permit or has an expired license or permit, the department may allow the person to apply for a restricted license or permit. If the department determines the person is otherwise entitled to the license or permit, the department shall issue and retain a restricted license or permit subject to this section.

K. Hearings requested under this section shall be conducted in the same manner and under the same conditions as provided in section 28-3306. For the purposes of this section, the scope of the hearing shall include only the issues of whether:

1. A law enforcement officer had reasonable grounds to believe that the person was driving or was in actual physical control of a motor vehicle in this state either:

(a) While under the influence of intoxicating liquor or drugs.

(b) If the person is under twenty-one years of age, with spirituous liquor in the person's body.

2. The person was placed under arrest.

3. The person refused to submit to the test.

4. The person was informed of the consequences of refusal.

L. If the department determines at the hearing to suspend the affected person's privilege to operate a motor vehicle, the suspension provided in this section is effective fifteen days after giving written notice of the suspension, except that the department may issue or extend a temporary license that expires on the effective date of the suspension. If the person is a resident without a license or permit or has an expired license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of twelve months after the order of suspension becomes effective or for a period of two years after the order of suspension becomes effective for a second or subsequent refusal within a period of eighty-four months, and may reinstate the person's driving privilege, license, permit, right to apply for a license or permit or nonresident operating privilege following the period of suspension only if the person completes alcohol or other drug screening.

M. If the suspension order is sustained after the hearing, a motion for rehearing is not required. Within thirty days after a suspension order is sustained, the affected person may file a petition in the superior court to review the final order of suspension or denial by the department in the same manner provided in section 28-3317. The court shall hear the review of the final order of suspension or denial on an expedited basis.

N. If the suspension or determination that there should be a denial of issuance is not sustained, the ruling is not admissible in and has no effect on any administrative, civil or criminal court proceeding.

O. If it has been determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, the department shall give information either in writing or by electronic means of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

P. After completing not less than ninety consecutive days of the period of suspension required by this section and any alcohol or other drug screening that is ordered by the department pursuant to this chapter, a person whose driving privilege is suspended pursuant to this section may apply to the department for a special ignition interlock restricted driver

license pursuant to section 28-1401. Unless the certified ignition interlock period is extended by the department pursuant to section 28-1461, a person who is issued a special ignition interlock restricted driver license as provided in this subsection shall maintain a functioning certified ignition interlock device in compliance with this chapter during the remaining period of the suspension prescribed by this section. This subsection does not apply to a person whose driving privilege is suspended for a second or subsequent refusal within a period of eighty-four months.

Sec. 6. Section 28-1385, Arizona Revised Statutes, is amended to read:

28-1385. <u>Administrative license suspension for driving under the influence or for homicide or assault involving a motor vehicle; report; hearing; summary review; ignition interlock device requirement</u>

A. A law enforcement officer shall forward to the department a certified report as prescribed in subsection B of this section, subject to the penalty for perjury prescribed by section 28-1561, if both of the following occur:

1. The officer arrests a person for a violation of section 4-244, paragraph 34, section 28-1381, section 28-1382 or section 28-1383 or for a violation of title 13, chapter 11 or section 13-1201 or 13-1204 involving a motor vehicle.

2. The person submits to a blood or breath alcohol test permitted by section 28-1321 or any other law or a sample of blood is obtained pursuant to section 28-1388 and the results are either not available or the results indicate any of the following:

(a) 0.08 or more alcohol concentration in the person's blood or breath.

(b) 0.04 or more alcohol concentration in the person's blood or breath if the person was driving or in actual physical control of a commercial motor vehicle.

(c) Any drug defined in section 13-3401 or its metabolite is in the person's body except if the person possesses a valid prescription for the drug.

B. The officer shall make the certified report required by subsection A of this section on forms supplied or approved by the department. The report shall state information that is relevant to the enforcement action, including:

1. Information that adequately identifies the arrested person.

2. A statement of the officer's grounds for belief that the person was driving or in actual physical control of a motor vehicle in violation of section 4-244, paragraph 34, section 28-1381, section 28-1382 or section 28-1383 or committed a violation of title 13, chapter 11 or section 13-1201 or 13-1204 involving a motor vehicle.

3. A statement that the person was arrested for a violation of section 4-244, paragraph 34, section 28-1381, section 28-1382 or section 28-1383 or for a violation of title 13, chapter 11 or section 13-1201 or 13-1204 involving a motor vehicle.

4. A report of the results of the blood or breath alcohol test that was administered, if the results are available.

C. The officer shall also serve an order of suspension on the person on behalf of the department. The order of suspension:

1. Is effective fifteen days after the date it is served.

2. Shall require the immediate surrender of any license or permit to drive that is issued by this state and that is in the possession or control of the person.

3. Shall contain information concerning the right to a summary review and hearing, including information concerning the hearing as required by section 28-1321, subsections G and H.

4. Shall be accompanied by printed forms that are ready to mail to the department, that the person may fill out and sign to indicate the person's desire for a hearing and that advise the person that the person may alternatively submit an online request for a hearing.

5. Shall be entered on the department's records on receipt of the report by the officer and a copy of the order of suspension.

6. Shall inform the person that the person's driving privilege, license, permit, right to apply for a license or permit or nonresident operating privilege may be issued or reinstated following the period of suspension only if the person completes alcohol or other drug screening.

7. Shall contain information on alcohol or other drug education and treatment programs that are provided by a facility approved by the department of health services.

D. If the blood test result is unavailable at the time the test is administered, the result shall be forwarded to the department before the hearing held pursuant to this section in a form prescribed by the director.

E. If the license or permit is not surrendered pursuant to subsection C of this section, the officer shall state the reason for the nonsurrender. If a valid license or permit is surrendered, the officer shall issue a temporary driving permit that is valid for fifteen days. The officer shall forward a copy of the completed order of suspension~~,~~ AND a copy of any completed temporary permit ~~and any driver license or permit taken into possession under this section~~ to the department within five days after the issuance of the order of suspension along with the report. THE LAW ENFORCEMENT AGENCY MAY DO EITHER OF THE FOLLOWING WITH A VALID LICENSE OR PERMIT THAT IS SURRENDERED PURSUANT TO THIS SECTION:

1. IN COMPLIANCE WITH SECTIONS 41-151.15 AND 41-151.19, DESTROY THE LICENSE OR PERMIT.

2. FORWARD THE LICENSE OR PERMIT TO THE DEPARTMENT WITHIN FIVE DAYS AFTER THE ISSUANCE OF THE NOTICE OF SUSPENSION.

F. The department shall suspend the affected person's license or permit to drive or right to apply for a license or permit or any nonresident operating privilege for not less than ninety consecutive days from that date. If the person is otherwise qualified, the department may reinstate the person's driving privilege, license, permit, right to apply for a license or permit or nonresident operating privilege following the period of suspension only if the violator completes alcohol or other drug screening.

G. Notwithstanding subsections A through F of this section, the department shall suspend the driving privileges of the person described in subsection A of this section for not less than thirty consecutive days and shall restrict the driving privileges of the person for not less than sixty consecutive additional days to travel between the person's place of employment and residence and during specified periods of time while at employment, to travel between the person's place of residence and the person's secondary or postsecondary school, according to the person's employment or educational schedule, to travel between the person's place of residence and the office of the person's probation officer for scheduled appointments or to travel between the person's place of residence and a screening, education or treatment facility for scheduled appointments if the person:

1. Did not cause death or serious physical injury as defined in section 13-105 to another person during the course of conduct out of which the current action arose.

2. Has not been convicted of a violation of section 4-244, paragraph 34, section 28-1381, section 28-1382 or section 28-1383 within eighty-four months of the date of commission of the acts out of which the current action arose. The dates of commission of the acts are the determining factor in applying the eighty-four month provision.

3. Has not had the person's privilege to drive suspended pursuant to this section or section 28-1321 within eighty-four months of the date of commission of the acts out of which the current action arose.

4. Provides satisfactory evidence to the department of the person's completion of alcohol or other drug screening that is ordered by the department. If the person does not complete alcohol or other drug screening, the department may impose a ninety day suspension pursuant to this section.

H. If the officer does not serve an order of suspension pursuant to subsection C of this section and if the department does not receive the report of the results of the blood or breath alcohol test pursuant to subsection B, paragraph 4 of this section, but subsequently receives the results and the results indicate 0.08 or more alcohol concentration in the person's blood or breath, a blood or breath alcohol concentration of 0.04

or more and the person was driving or in actual physical control of a commercial motor vehicle or any drug defined in section 13-3401 or its metabolite in the person's body and the person does not possess a valid prescription for the drug, the department shall notify the person named in the report in writing sent by mail that fifteen days after the date of issuance of the notice the department will suspend the person's license or permit, driving privilege or nonresident driving privilege. The notice shall also state that the department will provide an opportunity for a hearing and administrative review if the person requests a hearing or review in writing and the request is received by the department within fifteen days after the notice is sent.

I. A timely request for a hearing stays the suspension until a hearing is held, except that the department shall not return any surrendered license or permit to the person but may issue temporary permits to drive that expire no later than when the department has made its final decision. If the person is a resident without a license or permit or has an expired license or permit, the department may allow the person to apply for a restricted license or permit. If the department determines the person is otherwise entitled to the restricted license or permit, the department shall issue, but retain, the license or permit, subject to this section. All hearings requested under this section shall be conducted in the same manner and under the same conditions as provided in section 28-3306.

J. For the purposes of this section, the scope of the hearing shall include only the following issues:

1. Whether the officer had reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs.

2. Whether the person was placed under arrest for a violation of section 4-244, paragraph 34, section 28-1381, section 28-1382 or section 28-1383 or for a violation of title 13, chapter 11 or section 13-1201 or 13-1204 involving a motor vehicle.

3. Whether a test was taken, the results of which indicated any of the following:

(a) An alcohol concentration in the person's blood or breath at the time the test was administered of either:

(i) 0.08 or more.

(ii) 0.04 or more if the person was driving or in actual physical control of a commercial motor vehicle.

(b) Any drug defined in section 13-3401 or its metabolite in the person's body except if the person possesses a valid prescription for the drug.

4. Whether the testing method used was valid and reliable.

5. Whether the test results were accurately evaluated.

K. The results of the blood or breath alcohol test shall be admitted on establishing the requirements in section 28-1323 or 28-1326.

L. If the department determines at the hearing to suspend the affected person's privilege to operate a motor vehicle, the suspension provided in this section is effective fifteen days after giving written notice of the suspension, except that the department may issue or extend a temporary license that expires on the effective date of the suspension. If the person is a resident without a license or permit or has an expired license or permit to operate a motor vehicle in this state, the department shall deny the issuance of a license or permit to the person for not less than ninety consecutive days. The department may reinstate the person's driving privilege, license, permit, right to apply for a license or permit or nonresident operating privilege following the period of suspension only if the violator completes alcohol or other drug screening.

M. A person may apply for a summary review of an order issued pursuant to this section instead of a hearing at any time before the effective date of the order. The person shall submit the application in writing to any department driver license examining office together with any written explanation as to why the department should not suspend the driving privilege. The agent of the department receiving the notice shall issue to the person an additional driving permit that expires twenty days from the date the request is received. The department shall review all reports submitted by the officer and any written explanation submitted by the person and shall determine if the order of suspension should be sustained or cancelled. The department shall not hold a hearing, and the review is not subject to title 41, chapter 6. The department shall notify the person of its decision before the temporary driving permit expires.

N. If the suspension or determination that there should be a denial of issuance is not sustained after a hearing or review, the ruling is not admissible in and does not have any effect on any civil or criminal court proceeding.

O. If it has been determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, the department shall give information either in writing or by electronic means of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

Sec. 7. Section 28-2158, Arizona Revised Statutes, is amended to read:

28-2158. <u>Registration card</u>

A. The department shall file each application for registration. If satisfied that the application is genuine and regular, the department shall issue a registration card to the owner of the vehicle and shall assign license plates to the vehicle.

B. The registration card shall contain on the face of the card all of the following:

1. The date it is issued.

2. The registration number assigned to the owner and the vehicle.

3. The name and address of the owner.

4. A description of the registered vehicle, including the serial number.

5. The amount of fees paid for registration of the vehicle.

C. The registration card shall be carried at all times in the driver's compartment of the vehicle for which it is issued OR DISPLAYED ON A WIRELESS COMMUNICATION DEVICE. The registration card is subject to inspection by the director, members of the highway patrol or any peace officer.

Sec. 8. Section 28-2356, Arizona Revised Statutes, is amended to read:

28-2356. Transfer of license plates to another vehicle; credit

A. Except as otherwise provided in this chapter, the owner of a vehicle for which the department provided license plates pursuant to section 28-2351 shall retain those license plates when the owner transfers the vehicle to another person.

B. The owner may apply for ~~a refund or~~ a credit THAT IS POSTED TO THE OWNER'S RECORD OR FINANCIAL ACCOUNT of the unexpired portion of the VEHICLE LICENSE TAXES, GROSS WEIGHT FEES, COMMERCIAL REGISTRATION FEES, SPECIAL PLATE FEES AND MOTOR CARRIER fees ~~and taxes~~ as prescribed in this section if both of the following apply:

1. The owner makes proper application to the director or to an authorized third party ~~pursuant to chapter 13 of this title~~.

2. The owner agrees to allow the department to deduct a twelve dollar processing fee from the amount of the ~~refund or~~ credit.

~~C. If the owner applies for a credit as prescribed in this section, the department may assign the license plates retained pursuant to subsection A of this section to another vehicle that belongs to the owner if all of the following apply:~~

~~1. The other vehicle is of the same vehicle type.~~

~~2. The owner is applying the available credit for the fees and taxes to one other vehicle the owner owns or acquires.~~

~~3. If the available credit exceeds the amount required to pay the fees and taxes, the department shall issue a refund for the remaining amount of credit as prescribed in this section. The department shall not charge an additional twelve dollar fee pursuant to subsection B of this section for issuing a refund under this paragraph.~~

~~4. If the vehicle license tax, gross weight fees, commercial registration fees, special plate fees and motor carrier fees are more than the similar fees and taxes required to register the vehicle to which the~~

~~license plates were previously assigned, the owner pays any additional fees and taxes required after subtracting any credit allowed under this section.~~

~~D.~~ C. If the other vehicle is not of the same vehicle type as the vehicle for which the license plates were provided by the department pursuant to section 28-2351, the owner shall either surrender the license plates to the department or an authorized third party or submit an affidavit of license plate destruction as prescribed by the director. On surrender of the license plates or submission of an affidavit of license plate destruction, the department shall provide new license plates of the proper vehicle type to the owner ~~and credit the owner with an amount equal to the unexpended portion of the fees and taxes originally paid by the owner for registration and license plates toward fees and taxes charged for the registration and license plates of the appropriate new vehicle type~~.

~~E.~~ D. The owner of a registered vehicle who transfers license plates to another vehicle or who claims a ~~refund~~ CREDIT pursuant to this section is entitled to a credit ~~or a refund~~ for the unexpired portion of the fees and taxes paid as required by law in accordance with the following conditions:

1. The fees and taxes are prorated on a monthly basis beginning on the first day of the registration month following the date of acquisition of the vehicle.

2. The credit ~~or refund~~ shall be an amount computed as follows:

~~(a) If the vehicle is registered on an annual basis, one-twelfth for each full month of the registration period not yet expired.~~

~~(b) If the vehicle is registered on a biennial basis pursuant to section 28-2159, one-twenty-fourth for each full month of the registration period not yet expired.~~

(a) FOR EACH FULL MONTH REMAINING IN THE REGISTRATION CYCLE, THE RECORD OR FINANCIAL ACCOUNT CREDIT SHALL BE PRORATED USING THE ASSESSED VALUE OF THE VEHICLE FOR THE YEAR THAT THE FULL MONTH IS IN.

~~(c)~~ (b) If the vehicle is permanently registered, one-twenty-fourth for each full month after acquisition of the vehicle to the twenty-fourth month after the date of initial permanent registration of the vehicle.

~~F.~~ E. If the owner of a registered vehicle transfers the vehicle to another person but does not ~~transfer the license plates to another vehicle, surrender the license plates to the department or an authorized third party or submit an affidavit of license plate destruction~~ APPLY FOR A CREDIT within thirty days of the transfer as required by section 28-2058, the unexpired portion of the fees and taxes shall ~~decrement~~ DECREASE pursuant to subsection D of this section until the owner ~~either surrenders the license plates to the department or an authorized third~~

~~party or submits an affidavit of license plate destruction~~ APPLIES FOR THE CREDIT.

~~G. Except as provided in subsection C of this section, an owner of a registered vehicle who transfers the vehicle to another person and either surrenders the license plates to the department or an authorized third party or submits an affidavit of license plate destruction may apply to the department for a refund of the unexpired portion of the fees and taxes paid if the owner does not claim a credit pursuant to this section and the refundable amount calculated pursuant to subsection D of this section exceeds the twelve dollar fee prescribed in subsection B of this section. If the department determines that the owner is entitled to a refund, the department shall send the refund by first class mail to the address provided by the owner claiming the refund or, if no address is provided, to the latest address listed on the department's records for the owner claiming the refund.~~

~~H.~~ F. An owner who transfers license plates to another vehicle pursuant to this section is subject to the same penalties for the use of the license plates on another vehicle or for improper use of the license plates as the owner would have been subject to for use of the license plates on the vehicle to which the plates were previously assigned.

~~I.~~ G. The owner of a vehicle registered in this state is not entitled to a credit ~~or a refund~~ pursuant to this section if the vehicle is registered in another state unless the owner is applying the credit pursuant to this section to another vehicle the owner owns or acquires for registration in this state.

~~J. The director shall adopt rules necessary to administer this section.~~

Sec. 9. Section 28-3306, Arizona Revised Statutes, is amended to read:

28-3306. <u>Discretionary license suspension or revocation; traffic survival school; hearing</u>

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 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 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 receipt of the person's request for a hearing, the department shall set the hearing within sixty days. The department may hold the hearing in person, by telephone or by videoconference. If the department holds the hearing in person, 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 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 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.

I. THE DEPARTMENT SHALL REMOVE A SUSPENSION FROM A RECORD IF THE PERSON HAS COMPLETED ALL REQUIREMENTS IMPOSED UNDER THIS TITLE OR BY A COURT IN THIS STATE EXCEPT FOR PAYMENT OF REINSTATEMENT FEES AS PRESCRIBED BY SECTION 28-3002. THE PERSON SHALL PAY THE APPROPRIATE REINSTATEMENT FEES THAT IS REQUIRED UNDER SECTION 28-3002 WHEN CONDUCTING A TRANSACTION WITH THE DEPARTMENT.

Sec. 10. Section 28-3318, Arizona Revised Statutes, is amended to read:

28-3318. Service of notice; definitions

A. The department shall provide written, ELECTRONIC OR DIGITAL notice to a person possessing a driver license, to an unlicensed driver or to a nonresident driver of the following:

1. A suspension, revocation, cancellation, disqualification or certified ignition interlock device limitation of the license or privilege to operate a motor vehicle.

2. Required attendance at training and education sessions.

B. The department may include additional information in the written, ELECTRONIC OR DIGITAL notice developed in consultation with the director of the department of public safety as prescribed in section 28-1462 regarding certified ignition interlock devices.

C. The department shall send the notice by mail OR ELECTRONICALLY OR DIGITALLY to the address provided to the department on the licensee's application or provided to the department pursuant to section 28-448. If an address has not been provided to the department as provided in this subsection, the department shall send the notice to any address known to the department, including the address listed on a traffic citation received by the department.

D. Service of the notice provided by this section is complete on mailing. The department shall provide further service of notice only if the department is notified of a change of address pursuant to section 28-448.

E. Compliance with the mailing provisions of this section constitutes notice of the suspension, revocation, cancellation, disqualification or certified ignition interlock device limitation for purposes of prosecution under section 28-1383, ~~28-3473 or~~ 28-1464 OR 28-3473. The state is not required to prove actual receipt of the notice or actual knowledge of the suspension, revocation, cancellation, disqualification or certified ignition interlock device limitation.

F. Compliance with the mailing provisions of this section constitutes notice of suspension or restriction for the purposes of suspension or restriction under section 28-3320. The state is not required to prove actual receipt of the notice or actual knowledge of the suspension or restriction.

G. For the purposes of this section: ~~,~~

1. "Certified ignition interlock device" has the same meaning prescribed in section 28-1301.

2. "MAIL" OR "MAILING" MEANS DELIVERY BY FIRST CLASS OR CERTIFIED MAIL OR THROUGH A DEPARTMENT ELECTRONIC OR DIGITAL SYSTEM.

Sec. 11. Section 28-4133, Arizona Revised Statutes, is amended to read:

28-4133. Insurance identification cards; documentary evidence; exception

A. An authorized insurer shall issue at least two motor vehicle insurance identification cards for a motor vehicle or automobile liability policy that meets the requirements of section 28-4009 or section 28-4033, subsection A, paragraph 2, subdivision (c).

B. The card shall state that:

1. A person is required to possess evidence of financial responsibility within the motor vehicle.

2. The card meets the requirement or an image of the card that is displayed on a wireless communication device meets the requirement.

3. The card or an image of the card that is displayed on a wireless communication device is satisfactory evidence if the person is asked by the department of transportation to verify financial responsibility on the motor vehicle.

C. All documentary evidence issued by an insurer or an authorized agent of the insurer shall indicate:

1. The name of the insurer as listed with the department of insurance.

2. THE NUMBER THAT THE DEPARTMENT ASSIGNS TO THE INSURER.

~~2.~~ 3. For the purpose of verifying insurance coverage, the mailing address and telephone number of the insurer or an authorized agent of the insurer.

~~3.~~ 4. In order to accurately verify insurance coverage, other information as required by the department of transportation.

~~4.~~ 5. If a binder is issued by an authorized agent of an insurer, the name, address and telephone number of the agent.

D. This section does not apply to a commercial vehicle policy that provides automatic coverage for additional or newly acquired vehicles until the policy's expiration date.

1 Sec. 12. Section 28-4147, Arizona Revised Statutes, is amended to
2 read:
3 28-4147. Service of notice; definition
4 A. The department shall send written notice to the owner or lessee
5 of a motor vehicle registered pursuant to chapter 7 of this title of any
6 suspension or any financial responsibility verification. The department
7 shall send the notice ELECTRONICALLY OR DIGITALLY, by mail to the address
8 provided to the department on the registration application or pursuant to
9 section 28-448. Service of notice is complete on mailing.
10 B. FOR THE PURPOSES OF THIS SECTION, "MAIL" OR "MAILING" MEANS
11 DELIVERY BY FIRST CLASS OR CERTIFIED MAIL OR THROUGH A DEPARTMENT
12 ELECTRONIC OR DIGITAL SYSTEM.
13 Sec. 13. Effective date
14 Section 28-2356, Arizona Revised Statutes, as amended by this act,
15 is effective from and after August 31, 2019.

APPROVED BY THE GOVERNOR APRIL 10, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2018

Passed the House April 3, 2018,

by the following vote: 56 Ayes,

1 Nays, 3 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate February 21, 2018,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

4th day of April, 2018,

at 10:50 o'clock A. M.

Secretary to the Governor

Approved this 10th day of

April, 2018,

at 10:03 o'clock A. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 10 day of April, 2018,

at 3:08 o'clock P. M.

Michele Reagan
Secretary of State

S.B. 1287