



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

May 16, 2018

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

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2<sup>nd</sup> Regular Session, which I signed on May 16, 2018:

- HB 2088 pupils; concussions; parental notification (Carter)
- HB 2197 health professionals; workforce data (Carter)
- HB 2209 internet protocol; corporation commission (Grantham)
- HB 2212 firearm possession; peace officers; definition (Thorpe)
- HB 2235 dental therapy; regulation; licensure (Thorpe)
- HB 2253 schools; exchange teachers; employment duration (Carter)
- HB 2307 scrap vehicles; sales (Campbell)
- HB 2310 underground storage tanks; reimbursement claims (Bowers)
- HB 2324 community health workers; voluntary certification (Carter)
- HB 2356 juvenile court; jurisdiction; age (Bowers)
- HB 2383 HOV lanes; emergency vehicles (Clodfelter)
- HB 2384 unlawful flight; vehicle impoundment (Clodfelter)
- HB 2414 state employee health plan; incentives (Kern)
- HB 2416 appropriation; study; prime contracting classification (Cobb)
- HB 2422 personal delivery devices (Townsend)
- HB 2455 commercial vehicles definition; driver licenses (Cook)
- HB 2510 auto dealers; task force; fund (John)

HB 2520 schools; reading requirement (Coleman)  
HB 2522 traffic violations; penalties (Syms)  
HB 2526 career technical education districts (Clodfelter)  
HB 2527 ticket surcharge; public safety equipment (Clodfelter)  
HB 2529 assisted living; referrals; disclosure (Campbell)  
HB 2532 occupational regulation; municipalities; counties; hearings (Payne)  
HB 2534 teachers; certification requirements (Carter)  
HB 2538 U.S. House vacancy; special election (Coleman)  
HB 2564 court fees; EORP; state contribution (Livingston)  
HB 2589 department of gaming omnibus (Cook)  
HB 2596 property taxes; procedures; abatement (Toma)  
HB 2648 ballot measures; paid circulator definition (Leach)  
HB 2649 public meetings; recordings; posting; definition (Grantham)  
HB 2650 commercial license; defensive driving school (Toma)  
HB 2651 landlord tenant; security deposits (Toma)  
HB 2652 electric bicycles; definition; use (Allen, J.)  
HB 2653 expenditure limitation; waiver of penalties (Cobb)  
HB 2654 illegal substances education; partnership (Thorpe)  
HB 2655 real estate licenses; online classes (Mosley)  
HB 2656 electronic wills and trusts (Leach)  
HB 2657 interscholastic activities; health dangers; information (Carter)  
SB 1039 appropriation; Arizona water protection fund (Griffin)  
SB 1140 certificates of authority; video service (Griffin)  
SB 1167 merit council; law enforcement qualifications (Griffin)  
SB 1181 corporation commission; railway safety inspectors (Griffin)  
SB 1245 appropriation; SNAP; benefit match; produce (Brophy McGee)  
SB 1254 school district consolidation (Allen, S.)  
SB 1271 construction liability; apportionment; study (Fann)  
SB 1273 administrative proceedings; rules; contested cases (Petersen)  
SB 1293 department of revenue; administrative efficiency (Farnsworth, D.)  
SB 1296 government communications; emergency response interpreters (Bowie)  
SB 1398 unemployment; return-to-work program; suitable work (Smith)  
SB 1409 TPT; prime contracting; alteration; replacement (Fann)  
SB 1476 county sheriff; reentry planning; appropriation (Gray)  
SB 1478 employer contributions; EORP (Fann)  
SB 1496 prisoners; drug sentences; out-of-custody treatment (Smith)  
SB 1498 AZPOST; membership; training; AMBER alert (Smith)

SB 1504 developmental disability rates; appropriation (Smith)

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 prominent flourish at the end.

Douglas A. Ducey  
Governor  
State of Arizona

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

Senate Engrossed House Bill

**FILED**

**MICHELE REAGAN**

**SECRETARY OF STATE**

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

**CHAPTER 307**

# **HOUSE BILL 2455**

AN ACT

AMENDING SECTIONS 28-1381, 28-1382, 28-1383, 28-1401, 28-3416, 28-5201 AND 28-6991, ARIZONA REVISED STATUTES; RELATING TO MOTOR VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-1381, Arizona Revised Statutes, is amended to  
3 read:

4 28-1381. Driving or actual physical control while under the  
5 influence; trial by jury; presumptions; admissible  
6 evidence; sentencing; classification

7 A. It is unlawful for a person to drive or be in actual physical  
8 control of a vehicle in this state under any of the following  
9 circumstances:

10 1. While under the influence of intoxicating liquor, any drug, a  
11 vapor releasing substance containing a toxic substance or any combination  
12 of liquor, drugs or vapor releasing substances if the person is impaired  
13 to the slightest degree.

14 2. If the person has an alcohol concentration of 0.08 or more  
15 within two hours of driving or being in actual physical control of the  
16 vehicle and the alcohol concentration results from alcohol consumed either  
17 before or while driving or being in actual physical control of the  
18 vehicle.

19 3. While there is any drug defined in section 13-3401 or its  
20 metabolite in the person's body.

21 4. If the vehicle is a commercial motor vehicle that requires a  
22 person to obtain a commercial driver license as defined in section 28-3001  
23 and the person has an alcohol concentration of 0.04 or more.

24 B. It is not a defense to a charge of a violation of subsection A,  
25 paragraph 1 of this section that the person is or has been entitled to use  
26 the drug under the laws of this state.

27 C. A person who is convicted of a violation of this section is  
28 guilty of a class 1 misdemeanor.

29 D. A person using a drug as prescribed by a medical practitioner  
30 who is licensed pursuant to title 32 and who is authorized to prescribe  
31 the drug is not guilty of violating subsection A, paragraph 3 of this  
32 section.

33 E. In any prosecution for a violation of this section, the state  
34 shall allege, for the purpose of classification and sentencing pursuant to  
35 this section, all prior convictions of violating this section, section  
36 28-1382 or section 28-1383 occurring within the past thirty-six months,  
37 unless there is an insufficient legal or factual basis to do so.

38 F. At the arraignment, the court shall inform the defendant that  
39 the defendant may request a trial by jury and that the request, if made,  
40 shall be granted.

41 G. In a trial, action or proceeding for a violation of this section  
42 or section 28-1383 other than a trial, action or proceeding involving  
43 driving or being in actual physical control of a commercial vehicle, the  
44 defendant's alcohol concentration within two hours of the time of driving  
45 or being in actual physical control as shown by analysis of the

1 defendant's blood, breath or other bodily substance gives rise to the  
2 following presumptions:

3 1. If there was at that time 0.05 or less alcohol concentration in  
4 the defendant's blood, breath or other bodily substance, it may be  
5 presumed that the defendant was not under the influence of intoxicating  
6 liquor.

7 2. If there was at that time in excess of 0.05 but less than 0.08  
8 alcohol concentration in the defendant's blood, breath or other bodily  
9 substance, that fact shall not give rise to a presumption that the  
10 defendant was or was not under the influence of intoxicating liquor, but  
11 that fact may be considered with other competent evidence in determining  
12 the guilt or innocence of the defendant.

13 3. If there was at that time 0.08 or more alcohol concentration in  
14 the defendant's blood, breath or other bodily substance, it may be  
15 presumed that the defendant was under the influence of intoxicating  
16 liquor.

17 H. Subsection G of this section does not limit the introduction of  
18 any other competent evidence bearing on the question of whether or not the  
19 defendant was under the influence of intoxicating liquor.

20 I. A person who is convicted of a violation of this section:

21 1. Shall be sentenced to serve not less than ten consecutive days  
22 in jail and is not eligible for probation or suspension of execution of  
23 sentence unless the entire sentence is served.

24 2. Shall pay a fine of not less than two hundred fifty dollars.

25 3. May be ordered by a court to perform community restitution.

26 4. Shall pay an additional assessment of five hundred dollars to be  
27 deposited by the state treasurer in the prison construction and operations  
28 fund established by section 41-1651. This assessment is not subject to  
29 any surcharge. If the conviction occurred in the superior court or a  
30 justice court, the court shall transmit the assessed monies to the county  
31 treasurer. If the conviction occurred in a municipal court, the court  
32 shall transmit the assessed monies to the city treasurer. The city or  
33 county treasurer shall transmit the monies received to the state  
34 treasurer.

35 5. Shall pay an additional assessment of five hundred dollars to be  
36 deposited by the state treasurer in the public safety equipment fund  
37 established by section 41-1723. This assessment is not subject to any  
38 surcharge. If the conviction occurred in the superior court or a justice  
39 court, the court shall transmit the assessed monies to the county  
40 treasurer. If the conviction occurred in a municipal court, the court  
41 shall transmit the assessed monies to the city treasurer. The city or  
42 county treasurer shall transmit the monies received to the state  
43 treasurer.

44 6. If the violation involved intoxicating liquor, shall be required  
45 by the department, on report of the conviction, to equip any motor vehicle

1 the person operates with a certified ignition interlock device pursuant to  
2 section 28-3319. In addition, the court may order the person to equip any  
3 motor vehicle the person operates with a certified ignition interlock  
4 device for more than twelve months beginning on the date of reinstatement  
5 of the person's driving privilege following a suspension or revocation or  
6 on the date of the department's receipt of the report of conviction,  
7 whichever occurs later. The person who operates a motor vehicle with a  
8 certified ignition interlock device under this paragraph shall comply with  
9 article 5 of this chapter.

10 7. SHALL BE REQUIRED BY THE DEPARTMENT TO ATTEND AND SUCCESSFULLY  
11 COMPLETE AN APPROVED TRAFFIC SURVIVAL SCHOOL COURSE.

12 J. Notwithstanding subsection I, paragraph 1 of this section, at  
13 the time of sentencing the judge may suspend all but one day of the  
14 sentence if the person completes a court ordered alcohol or other drug  
15 screening, education or treatment program. If the person fails to  
16 complete the court ordered alcohol or other drug screening, education or  
17 treatment program and has not been placed on probation, the court shall  
18 issue an order to show cause to the defendant as to why the remaining jail  
19 sentence should not be served.

20 K. If within a period of eighty-four months a person is convicted  
21 of a second violation of this section or is convicted of a violation of  
22 this section and has previously been convicted of a violation of section  
23 28-1382 or 28-1383 or an act in another jurisdiction that if committed in  
24 this state would be a violation of this section or section 28-1382 or  
25 28-1383, the person:

26 1. Shall be sentenced to serve not less than ninety days in jail,  
27 thirty days of which shall be served consecutively, and is not eligible  
28 for probation or suspension of execution of sentence unless the entire  
29 sentence has been served.

30 2. Shall pay a fine of not less than five hundred dollars.

31 3. Shall be ordered by a court to perform at least thirty hours of  
32 community restitution.

33 4. Shall have the person's driving privilege revoked for one year.  
34 The court shall report the conviction to the department. On receipt of  
35 the report, the department shall revoke the person's driving privilege  
36 and, if the violation involved intoxicating liquor, shall require the  
37 person to equip any motor vehicle the person operates with a certified  
38 ignition interlock device pursuant to section 28-3319. In addition, the  
39 court may order the person to equip any motor vehicle the person operates  
40 with a certified ignition interlock device for more than twelve months  
41 beginning on the date of reinstatement of the person's driving privilege  
42 following a suspension or revocation or on the date of the department's  
43 receipt of the report of conviction, whichever occurs later. The person  
44 who operates a motor vehicle with a certified ignition interlock device  
45 under this paragraph shall comply with article 5 of this chapter.

1           5. Shall pay an additional assessment of one thousand two hundred  
2 fifty dollars to be deposited by the state treasurer in the prison  
3 construction and operations fund established by section 41-1651. This  
4 assessment is not subject to any surcharge. If the conviction occurred in  
5 the superior court or a justice court, the court shall transmit the  
6 assessed monies to the county treasurer. If the conviction occurred in a  
7 municipal court, the court shall transmit the assessed monies to the city  
8 treasurer. The city or county treasurer shall transmit the monies  
9 received to the state treasurer.

10           6. Shall pay an additional assessment of one thousand two hundred  
11 fifty dollars to be deposited by the state treasurer in the public safety  
12 equipment fund established by section 41-1723. This assessment is not  
13 subject to any surcharge. If the conviction occurred in the superior  
14 court or a justice court, the court shall transmit the assessed monies to  
15 the county treasurer. If the conviction occurred in a municipal court,  
16 the court shall transmit the assessed monies to the city treasurer. The  
17 city or county treasurer shall transmit the monies received to the state  
18 treasurer.

19           7. SHALL BE REQUIRED BY THE DEPARTMENT TO ATTEND AND SUCCESSFULLY  
20 COMPLETE AN APPROVED TRAFFIC SURVIVAL SCHOOL COURSE.

21           L. Notwithstanding subsection K, paragraph 1 of this section, at  
22 the time of sentencing, the judge may suspend all but thirty days of the  
23 sentence if the person completes a court ordered alcohol or other drug  
24 screening, education or treatment program. If the person fails to  
25 complete the court ordered alcohol or other drug screening, education or  
26 treatment program and has not been placed on probation, the court shall  
27 issue an order to show cause as to why the remaining jail sentence should  
28 not be served.

29           M. In applying the eighty-four month provision of subsection K of  
30 this section, the dates of the commission of the offense shall be the  
31 determining factor, irrespective of the sequence in which the offenses  
32 were committed.

33           N. A second violation for which a conviction occurs as provided in  
34 this section shall not include a conviction for an offense arising out of  
35 the same series of acts.

36           O. After completing forty-five days of the revocation period  
37 prescribed by subsection K of this section, a person whose driving  
38 privilege is revoked for a violation of this section and who is sentenced  
39 pursuant to subsection K of this section is eligible for a special  
40 ignition interlock restricted driver license pursuant to section 28-1401.

41           P. The court may order a person who is convicted of a violation of  
42 this section that does not involve intoxicating liquor to equip any motor  
43 vehicle the person operates with a certified ignition interlock device  
44 pursuant to section 28-3319. On RECEIPT OF THE report of ~~the~~ conviction  
45 and certified ignition interlock device requirement, the department shall

1 require the person to equip any motor vehicle the person operates with a  
2 certified ignition interlock device pursuant to section 28-3319. In  
3 addition, the court may order the person to equip any motor vehicle the  
4 person operates with a certified ignition interlock device for more than  
5 twelve months beginning on the date of reinstatement of the person's  
6 driving privilege following a suspension or revocation or on the date of  
7 the department's receipt of the report of conviction, whichever occurs  
8 later. The person who operates a motor vehicle with a certified ignition  
9 interlock device under this subsection shall comply with article 5 of this  
10 chapter.

11 Sec. 2. Section 28-1382, Arizona Revised Statutes, is amended to  
12 read:

13 28-1382. Driving or actual physical control while under the  
14 extreme influence of intoxicating liquor; trial by  
15 jury; sentencing; classification

16 A. It is unlawful for a person to drive or be in actual physical  
17 control of a vehicle in this state if the person has an alcohol  
18 concentration as follows within two hours of driving or being in actual  
19 physical control of the vehicle and the alcohol concentration results from  
20 alcohol consumed either before or while driving or being in actual  
21 physical control of the vehicle:

- 22 1. 0.15 or more but less than 0.20.  
23 2. 0.20 or more.

24 B. A person who is convicted of a violation of this section is  
25 guilty of driving or being in actual physical control of a vehicle while  
26 under the extreme influence of intoxicating liquor.

27 C. At the arraignment, the court shall inform the defendant that  
28 the defendant may request a trial by jury and that the request, if made,  
29 shall be granted.

30 D. A person who is convicted of a violation of this section:

31 1. Shall be sentenced to serve not less than thirty consecutive  
32 days in jail and is not eligible for probation or suspension of execution  
33 of sentence unless the entire sentence is served if the person is  
34 convicted of a violation of subsection A, paragraph 1 of this section. A  
35 person who is convicted of a violation of subsection A, paragraph 2 of  
36 this section shall be sentenced to serve not less than forty-five  
37 consecutive days in jail and is not eligible for probation or suspension  
38 of execution of sentence unless the entire sentence is served.

39 2. Shall pay a fine of not less than two hundred fifty dollars,  
40 except that a person who is convicted of a violation of subsection A,  
41 paragraph 2 of this section shall pay a fine of not less than five hundred  
42 dollars. The fine prescribed in this paragraph and any assessments,  
43 restitution and incarceration costs shall be paid before the assessment  
44 prescribed in paragraph 3 of this subsection.

1           3. Shall pay an additional assessment of two hundred fifty dollars.  
2 If the conviction occurred in the superior court or a justice court, the  
3 court shall transmit the monies received pursuant to this paragraph to the  
4 county treasurer. If the conviction occurred in a municipal court, the  
5 court shall transmit the monies received pursuant to this paragraph to the  
6 city treasurer. The city or county treasurer shall transmit the monies  
7 received to the state treasurer. The state treasurer shall deposit the  
8 monies received in the driving under the influence abatement fund  
9 established by section 28-1304.

10           4. May be ordered by a court to perform community restitution.

11           5. Shall be required by the department, on receipt of the report of  
12 conviction, to equip any motor vehicle the person operates with a  
13 certified ignition interlock device pursuant to section 28-3319. In  
14 addition, the court may order the person to equip any motor vehicle the  
15 person operates with a certified ignition interlock device for more than  
16 twelve months beginning on the date of reinstatement of the person's  
17 driving privilege following a suspension or revocation or on the date of  
18 the department's receipt of the report of conviction, whichever occurs  
19 later. The person who operates a motor vehicle with a certified ignition  
20 interlock device under this paragraph shall comply with article 5 of this  
21 chapter.

22           6. Shall pay an additional assessment of one thousand dollars to be  
23 deposited by the state treasurer in the prison construction and operations  
24 fund established by section 41-1651. This assessment is not subject to  
25 any surcharge. If the conviction occurred in the superior court or a  
26 justice court, the court shall transmit the assessed monies to the county  
27 treasurer. If the conviction occurred in a municipal court, the court  
28 shall transmit the assessed monies to the city treasurer. The city or  
29 county treasurer shall transmit the monies received to the state  
30 treasurer.

31           7. Shall pay an additional assessment of one thousand dollars to be  
32 deposited by the state treasurer in the public safety equipment fund  
33 established by section 41-1723. This assessment is not subject to any  
34 surcharge. If the conviction occurred in the superior court or a justice  
35 court, the court shall transmit the assessed monies to the county  
36 treasurer. If the conviction occurred in a municipal court, the court  
37 shall transmit the assessed monies to the city treasurer. The city or  
38 county treasurer shall transmit the monies received to the state  
39 treasurer.

40           8. SHALL BE REQUIRED BY THE DEPARTMENT TO ATTEND AND SUCCESSFULLY  
41 COMPLETE AN APPROVED TRAFFIC SURVIVAL SCHOOL COURSE.

42           E. If within a period of eighty-four months a person is convicted  
43 of a second violation of this section or is convicted of a violation of  
44 this section and has previously been convicted of a violation of section  
45 28-1381 or 28-1383 or an act in another jurisdiction that if committed in

1 this state would be a violation of this section or section 28-1381 or  
2 28-1383, the person:

3 1. Shall be sentenced to serve not less than one hundred twenty  
4 days in jail, sixty days of which shall be served consecutively, and is  
5 not eligible for probation or suspension of execution of sentence unless  
6 the entire sentence has been served if the person is convicted of a  
7 violation of subsection A, paragraph 1 of this section. A person who is  
8 convicted of a violation of subsection A, paragraph 2 of this section  
9 shall be sentenced to serve not less than one hundred eighty days in jail,  
10 ninety of which shall be served consecutively, and is not eligible for  
11 probation or suspension of execution of sentence unless the entire  
12 sentence has been served.

13 2. Shall pay a fine of not less than five hundred dollars, except  
14 that a person who is convicted of a violation of subsection A, paragraph 2  
15 of this section shall pay a fine of not less than one thousand dollars.  
16 The fine prescribed in this paragraph and any assessments, restitution and  
17 incarceration costs shall be paid before the assessment prescribed in  
18 paragraph 3 of this subsection.

19 3. Shall pay an additional assessment of two hundred fifty dollars.  
20 If the conviction occurred in the superior court or a justice court, the  
21 court shall transmit the monies received pursuant to this paragraph to the  
22 county treasurer. If the conviction occurred in a municipal court, the  
23 court shall transmit the monies received pursuant to this paragraph to the  
24 city treasurer. The city or county treasurer shall transmit the monies  
25 received to the state treasurer. The state treasurer shall deposit the  
26 monies received in the driving under the influence abatement fund  
27 established by section 28-1304.

28 4. Shall be ordered by a court to perform at least thirty hours of  
29 community restitution.

30 5. Shall have the person's driving privilege revoked for at least  
31 one year. The court shall report the conviction to the department. On  
32 receipt of the report, the department shall revoke the person's driving  
33 privilege and shall require the person to equip any motor vehicle the  
34 person operates with a certified ignition interlock device pursuant to  
35 section 28-3319. In addition, the court may order the person to equip any  
36 motor vehicle the person operates with a certified ignition interlock  
37 device for more than twelve months beginning on the date of reinstatement  
38 of the person's driving privilege following a suspension or revocation or  
39 on the date of the department's receipt of the report of conviction,  
40 whichever is later. The person who operates a motor vehicle with a  
41 certified ignition interlock device under this paragraph shall comply with  
42 article 5 of this chapter.

43 6. Shall pay an additional assessment of one thousand two hundred  
44 fifty dollars to be deposited by the state treasurer in the prison  
45 construction and operations fund established by section 41-1651. This

1 assessment is not subject to any surcharge. If the conviction occurred in  
2 the superior court or a justice court, the court shall transmit the  
3 assessed monies to the county treasurer. If the conviction occurred in a  
4 municipal court, the court shall transmit the assessed monies to the city  
5 treasurer. The city or county treasurer shall transmit the monies  
6 received to the state treasurer.

7 7. Shall pay an additional assessment of one thousand two hundred  
8 fifty dollars to be deposited by the state treasurer in the public safety  
9 equipment fund established by section 41-1723. This assessment is not  
10 subject to any surcharge. If the conviction occurred in the superior  
11 court or a justice court, the court shall transmit the assessed monies to  
12 the county treasurer. If the conviction occurred in a municipal court,  
13 the court shall transmit the assessed monies to the city treasurer. The  
14 city or county treasurer shall transmit the monies received to the state  
15 treasurer.

16 8. SHALL BE REQUIRED BY THE DEPARTMENT TO ATTEND AND SUCCESSFULLY  
17 COMPLETE AN APPROVED TRAFFIC SURVIVAL SCHOOL COURSE.

18 F. In applying the eighty-four month provision of subsection E of  
19 this section, the dates of the commission of the offense shall be the  
20 determining factor, irrespective of the sequence in which the offenses  
21 were committed.

22 G. A second violation for which a conviction occurs as provided in  
23 this section shall not include a conviction for an offense arising out of  
24 the same series of acts.

25 H. After completing forty-five days of the revocation period  
26 prescribed by subsection E of this section, a person whose driving  
27 privilege is revoked for a violation of this section and who is sentenced  
28 pursuant to subsection E of this section is eligible for a special  
29 ignition interlock restricted driver license pursuant to section 28-1401.

30 I. Notwithstanding subsection D, paragraph 1 of this section, at  
31 the time of sentencing if the person is convicted of a violation of  
32 subsection A, paragraph 1 of this section, the judge may suspend all but  
33 nine days of the sentence if the person equips any motor vehicle the  
34 person operates with a certified ignition interlock device for a period of  
35 twelve months. If the person is convicted of a violation of subsection A,  
36 paragraph 2 of this section, the judge may suspend all but fourteen days  
37 of the sentence if the person equips any motor vehicle the person operates  
38 with a certified ignition interlock device for a period of twelve months.  
39 If the person fails to comply with article 5 of this chapter and has not  
40 been placed on probation, the court shall issue an order to show cause as  
41 to why the remaining jail sentence should not be served.

42 J. A person who is convicted of a violation of this section is  
43 guilty of a class 1 misdemeanor.

1           Sec. 3. Section 28-1383, Arizona Revised Statutes, is amended to  
2 read:

3           28-1383. Aggravated driving or actual physical control while  
4                   under the influence; violation; classification;  
5                   definition

6           A. A person is guilty of aggravated driving or actual physical  
7 control while under the influence of intoxicating liquor or drugs if the  
8 person does any of the following:

9           1. Commits a violation of section 28-1381, section 28-1382 or this  
10 section while the person's driver license or privilege to drive is  
11 suspended, canceled, revoked or refused or while a restriction is placed  
12 on the person's driver license or privilege to drive as a result of  
13 violating section 28-1381 or 28-1382 or under section 28-1385.

14           2. Within a period of eighty-four months commits a third or  
15 subsequent violation of section 28-1381, section 28-1382 or this section  
16 or is convicted of a violation of section 28-1381, section 28-1382 or this  
17 section and has previously been convicted of any combination of  
18 convictions of section 28-1381, section 28-1382 or this section or acts in  
19 another jurisdiction that if committed in this state would be a violation  
20 of section 28-1381, section 28-1382 or this section.

21           3. While a person under fifteen years of age is in the vehicle,  
22 commits a violation of either:

23           (a) Section 28-1381.

24           (b) Section 28-1382.

25           4. While the person is ordered by the court or required pursuant to  
26 section 28-3319 by the department to equip any motor vehicle the person  
27 operates with a certified ignition interlock device, commits a violation  
28 of section 28-1381, section 28-1382 or this section.

29           B. The dates of the commission of the offenses are the determining  
30 factor in applying the eighty-four month provision provided in subsection  
31 A, paragraph 2 of this section regardless of the sequence in which the  
32 offenses were committed. For the purposes of this section, a third or  
33 subsequent violation for which a conviction occurs does not include a  
34 conviction for an offense arising out of the same series of acts. The  
35 time that a probationer is found to be on absconder status or the time  
36 that a person is incarcerated in any state, federal, county or city jail  
37 or correctional facility is excluded when determining the eighty-four  
38 month period provided in subsection A, paragraph 2 and subsection E of  
39 this section.

40           C. The notice to a person of the suspension, cancellation,  
41 revocation or refusal of a driver license or privilege to drive is  
42 effective as provided in section 28-3318 or pursuant to the laws of the  
43 state issuing the license.

44           D. A person is not eligible for probation, pardon, commutation or  
45 suspension of sentence or release on any other basis until the person has

1 served not less than four months in prison if the person is convicted  
2 under either of the following:

3 1. Subsection A, paragraph 1 of this section.

4 2. Subsection A, paragraph 2 of this section and within an  
5 eighty-four month period has been convicted of two prior violations of  
6 section 28-1381, section 28-1382 or this section, or any combination of  
7 those sections, or acts in another jurisdiction that if committed in this  
8 state would be a violation of section 28-1381, section 28-1382 or this  
9 section.

10 E. A person who is convicted under subsection A, paragraph 2 of  
11 this section and who within an eighty-four month period has been convicted  
12 of three or more prior violations of section 28-1381, section 28-1382 or  
13 this section, or any combination of those sections, or acts in another  
14 jurisdiction that if committed in this state would be a violation of  
15 section 28-1381, section 28-1382 or this section is not eligible for  
16 probation, pardon, commutation or suspension of sentence or release on any  
17 other basis until the person has served not less than eight months in  
18 prison.

19 F. A person who is convicted under subsection A, paragraph 3,  
20 subdivision (a) of this section shall serve at least the minimum term of  
21 incarceration required pursuant to section 28-1381.

22 G. A person who is convicted under subsection A, paragraph 3,  
23 subdivision (b) of this section shall serve at least the minimum term of  
24 incarceration required pursuant to section 28-1382.

25 H. A person who is convicted of a violation of this section shall  
26 attend and complete alcohol or other drug screening, education or  
27 treatment from an approved facility. If the person fails to comply with  
28 this subsection and is placed on probation, in addition to the provisions  
29 of section 13-901 the court may order that the person be incarcerated as a  
30 term of probation as follows:

31 1. For a person sentenced pursuant to subsection D of this section,  
32 for an individual period of not more than four months and a total period  
33 of not more than one year.

34 2. For a person sentenced pursuant to subsection E of this section,  
35 for an individual period of not more than eight months and a total period  
36 of not more than two years.

37 I. The time that a person spends in custody pursuant to subsection  
38 H of this section shall not be counted towards the sentence imposed if the  
39 person's probation is revoked and the person is sentenced to prison after  
40 revocation of probation.

41 J. On a conviction for a violation of this section, the court:

42 1. Shall report the conviction to the department. On receipt of  
43 the report, the department shall revoke the driving privilege of the  
44 person. The department shall not issue the person a new driver license  
45 within one year of the date of the conviction and, if the violation

1 involved intoxicating liquor, shall require the person to equip any motor  
2 vehicle the person operates with a certified ignition interlock device  
3 pursuant to section 28-3319. In addition, the court may order the person  
4 to equip any motor vehicle the person operates with a certified ignition  
5 interlock device for more than twenty-four months beginning on the date of  
6 reinstatement of the person's driving privilege following a suspension or  
7 revocation or on the date of the department's receipt of the report of  
8 conviction, whichever occurs later. The person who operates a motor  
9 vehicle with a certified ignition interlock device under this paragraph  
10 shall comply with article 5 of this chapter.

11 2. In addition to any other penalty prescribed by law, shall order  
12 the person to pay an additional assessment of two hundred fifty  
13 dollars. If the conviction occurred in the superior court or a justice  
14 court, the court shall transmit the monies received pursuant to this  
15 paragraph to the county treasurer. If the conviction occurred in a  
16 municipal court, the court shall transmit the monies received pursuant to  
17 this paragraph to the city treasurer. The city or county treasurer shall  
18 transmit the monies received to the state treasurer. The state treasurer  
19 shall deposit the monies received in the driving under the influence  
20 abatement fund established by section 28-1304. Any fine imposed for a  
21 violation of this section and any assessments, restitution and  
22 incarceration costs shall be paid before the assessment prescribed in this  
23 paragraph.

24 3. Shall order the person to pay a fine of not less than seven  
25 hundred fifty dollars.

26 4. In addition to any other penalty prescribed by law, shall order  
27 the person to pay an additional assessment of one thousand five hundred  
28 dollars to be deposited by the state treasurer in the prison construction  
29 and operations fund established by section 41-1651. This assessment is  
30 not subject to any surcharge. If the conviction occurred in the superior  
31 court or a justice court, the court shall transmit the assessed monies to  
32 the county treasurer. If the conviction occurred in a municipal court,  
33 the court shall transmit the assessed monies to the city treasurer. The  
34 city or county treasurer shall transmit the monies received to the state  
35 treasurer.

36 5. In addition to any other penalty prescribed by law, shall order  
37 the person to pay an additional assessment of one thousand five hundred  
38 dollars to be deposited by the state treasurer in the public safety  
39 equipment fund established by section 41-1723. This assessment is not  
40 subject to any surcharge. If the conviction occurred in the superior  
41 court or a justice court, the court shall transmit the assessed monies to  
42 the county treasurer. If the conviction occurred in a municipal court, the  
43 court shall transmit the assessed monies to the city treasurer. The city  
44 or county treasurer shall transmit the monies received to the state  
45 treasurer.

1 K. ON CONVICTION FOR A VIOLATION OF THIS SECTION THE DEFENDANT  
2 SHALL BE REQUIRED BY THE DEPARTMENT TO ATTEND AND SUCCESSFULLY COMPLETE AN  
3 APPROVED TRAFFIC SURVIVAL SCHOOL COURSE.

4 ~~K.~~ L. After completing the period of suspension required by  
5 section 28-1385, a person whose driving privilege is revoked for a  
6 violation of subsection A, paragraph 3 of this section may apply to the  
7 department for a special ignition interlock restricted driver license  
8 pursuant to section 28-1401.

9 ~~L.~~ M. The court may order a person who is convicted of a violation  
10 of this section that does not involve intoxicating liquor to equip any  
11 motor vehicle the person operates with a certified ignition interlock  
12 device pursuant to section 28-3319. On RECEIPT OF THE report of ~~the~~  
13 conviction and certified ignition interlock device requirement, the  
14 department shall require the person to equip any motor vehicle the person  
15 operates with a certified ignition interlock device pursuant to section  
16 28-3319. In addition, the court may order the person to equip any motor  
17 vehicle the person operates with a certified ignition interlock device for  
18 more than twelve months beginning on the date of reinstatement of the  
19 person's driving privilege following a suspension or revocation or on the  
20 date of the department's receipt of the report of conviction, whichever  
21 occurs later. The person who operates a motor vehicle with a certified  
22 ignition interlock device under this subsection shall comply with article  
23 5 of this chapter.

24 ~~M.~~ N. Aggravated driving or actual physical control while under  
25 the influence of intoxicating liquor or drugs committed under:

26 1. Subsection A, paragraph 1, 2 or 4 of this section is a class 4  
27 felony.

28 2. Subsection A, paragraph 3 of this section is a class 6 felony.

29 ~~N.~~ O. For the purposes of this section, "suspension, cancellation,  
30 revocation or refusal" means any suspension, cancellation, revocation or  
31 refusal.

32 Sec. 4. Section 28-1401, Arizona Revised Statutes, is amended to  
33 read:

34 28-1401. Special ignition interlock restricted driver  
35 licenses; application fee

36 A. A person whose class D or class G license has been suspended  
37 pursuant to section 28-1385 or suspended or revoked for a first refusal  
38 pursuant to section 28-1321, a second violation of section 28-1381 or  
39 28-1382 or a first violation of section 28-1383, subsection A, paragraph 3  
40 may apply to the department for a special ignition interlock restricted  
41 driver license that allows a person to operate a motor vehicle during the  
42 period of suspension or revocation subject to the restrictions prescribed  
43 in section 28-1402 and the certified ignition interlock device  
44 requirements prescribed in article 5 of this chapter if the person's

1 privilege to operate a motor vehicle has been suspended or revoked due to  
2 an alcohol related offense pursuant to any of the following:

3 1. Section 28-1321, if the person meets the criteria of section  
4 28-1321, subsection P.

5 2. Section 28-1381, if the person meets the criteria of section  
6 28-1381, subsection O and the person presents evidence that is  
7 satisfactory to the director and that shows that the person has completed  
8 the requirements prescribed in section 28-1387, subsection B.

9 3. Section 28-1382, if the person meets the criteria of section  
10 28-1382, subsection H and the person presents evidence that is  
11 satisfactory to the director and that shows that the person has completed  
12 the requirements prescribed in section 28-1387, subsection B.

13 4. Section 28-1383, if the person meets the criteria of section  
14 28-1383, subsection ~~K~~ L and the person presents evidence that is  
15 satisfactory to the director and that shows that the person has completed  
16 the requirements prescribed in section 28-1387, subsection B.

17 5. Section 28-1385, if the person meets the criteria of section  
18 28-1385, subsection G.

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

22 C. The department shall issue a special ignition interlock  
23 restricted driver license during the period of a court ordered restriction  
24 pursuant to sections 28-3320 and 28-3322 subject to the restrictions  
25 prescribed in section 28-1402 and the certified ignition interlock  
26 requirements prescribed in article 5 of this chapter.

27 D. If the department issues a special ignition interlock restricted  
28 driver license, the department shall not delete a suspension or revocation  
29 from its records.

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

33 Sec. 5. Section 28-3416, Arizona Revised Statutes, is amended to  
34 read:

35 28-3416. Civil penalty; cancellation, suspension or  
36 revocation of license; appeal

37 ~~A. After conducting a hearing, the director may cancel, suspend or~~  
38 ~~revoke the license of a school~~ If the director finds that the licensee has  
39 not complied with or has knowingly violated this article or any rule  
40 adopted pursuant to this article or has been convicted of a violation of  
41 title 13 or this title, THE DIRECTOR MAY DO EITHER OF THE FOLLOWING:

42 1. IMPOSE A CIVIL PENALTY ON THE LICENSEE OF AT LEAST THREE HUNDRED  
43 DOLLARS BUT NOT MORE THAN THREE THOUSAND DOLLARS FOR EACH VIOLATION.

44 2. AFTER CONDUCTING A HEARING, CANCEL, SUSPEND OR REVOKE THE  
45 LICENSE OF THE SCHOOL.

1 B. Decisions of the director are subject to judicial review  
2 pursuant to title 12, chapter 7, article 6.

3 C. THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND  
4 35-147, ALL CIVIL PENALTIES COLLECTED PURSUANT TO THIS SECTION IN THE  
5 STATE HIGHWAY FUND ESTABLISHED BY SECTION 28-6991.

6 Sec. 6. Section 28-5201, Arizona Revised Statutes, is amended to  
7 read:

8 28-5201. Definitions

9 In this chapter, unless the context otherwise requires:

10 1. "Commercial motor vehicle" means a motor vehicle or combination  
11 of motor vehicles that is designed, used or maintained to transport  
12 passengers or property in the furtherance of a commercial enterprise on a  
13 highway in this state, that is not exempt from the gross weight fees as  
14 prescribed in section 28-5432, subsection B and that includes any of the  
15 following:

16 (a) A single vehicle or combination of vehicles that has a gross  
17 vehicle weight rating of ~~eighteen~~ TWENTY-SIX thousand one or more pounds  
18 and that is used for the purposes of intrastate commerce.

19 (b) A single vehicle or combination of vehicles that has a gross  
20 vehicle weight rating of ten thousand one or more pounds and that is used  
21 for the purposes of interstate commerce.

22 (c) A school bus.

23 (d) A bus.

24 (e) A vehicle that transports passengers for hire and that has a  
25 design capacity for eight or more persons.

26 (f) A vehicle that is used in the transportation of materials found  
27 to be hazardous for the purposes of the hazardous materials transportation  
28 authorization act of 1994 (49 United States Code sections 5101 through  
29 5128) and that is required to be placarded under 49 Code of Federal  
30 Regulations section 172.504, as adopted by the department pursuant to this  
31 chapter.

32 2. "Declared gross weight" has the same meaning prescribed in  
33 section 28-5431. If a declaration has not been made, declared gross  
34 weight means gross weight.

35 3. "Gross weight" has the same meaning prescribed in section  
36 28-5431.

37 4. "Hazardous material" means a substance that has been determined  
38 by the United States department of transportation under 49 Code of Federal  
39 Regulations to be capable of posing an unreasonable risk to health, safety  
40 and property if transported in commerce.

41 5. "Hazardous substance" means a material and its mixtures or  
42 solutions that has been determined by the United States department of  
43 transportation under 49 Code of Federal Regulations to be capable of  
44 posing an unreasonable risk to health, safety and property if transported  
45 in commerce.

1           6. "Hazardous waste" means a material that is subject to the  
2 hazardous waste manifest requirements of the department of environmental  
3 quality or the United States environmental protection agency.

4           7. "Manufacturer" means a person who transports or causes to be  
5 transported or shipped by a motor vehicle a material that is represented,  
6 marked, certified or sold by a person for transportation in commerce.

7           8. "Motor carrier" means a person who operates or causes to be  
8 operated a commercial motor vehicle on a public highway.

9           9. "Motor vehicle" means any vehicle, machine, truck, tractor,  
10 trailer or semitrailer that is propelled or drawn by mechanical power and  
11 that is used on a public highway in the transportation of passengers or  
12 property in the furtherance of a commercial enterprise.

13           10. "Person" means a public or private corporation, company,  
14 partnership, firm, association or society of persons, the federal  
15 government and its departments or agencies, this state or any of its  
16 agencies, departments, political subdivisions, counties, towns or  
17 municipal corporations or a natural person.

18           11. "Public highway" means a public street, alley, road, highway or  
19 thoroughfare of any kind in this state that is used by the public or that  
20 is open to the use of the public as a matter of right, for the purpose of  
21 vehicular travel.

22           12. "Shipper" means a person who offers a material for motor vehicle  
23 transportation in commerce.

24           13. "Transportation" means a movement of person or property by a  
25 motor vehicle and any loading, unloading or storage incidental to the  
26 movement.

27           14. "Vehicle combination" has the same meaning prescribed in section  
28 28-5431.

29           Sec. 7. Section 28-6991, Arizona Revised Statutes, is amended to  
30 read:

31           28-6991. State highway fund; sources

32           A state highway fund is established that consists of:

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

35           2. Monies appropriated by the legislature.

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

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

1 the county, and these monies shall be spent only as stated in the  
2 agreement.

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

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

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

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

23 9. Monies generated pursuant to section 28-410.

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

26 11. Monies deposited pursuant to sections 28-1143, 28-2353 and  
27 28-3003.

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

29 (a) Monies deposited pursuant to section 28-2206 and section  
30 28-5808, subsection B, paragraph 2, subdivision (e).

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

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

35 (d) The air quality compliance fee collected pursuant to section  
36 49-542.

37 (e) The special plate administration fees collected pursuant to  
38 sections 28-2404, 28-2407, 28-2412 through 28-2416, 28-2416.01, 28-2417  
39 through 28-2462 and 28-2514.

40 (f) Monies collected pursuant to sections 28-372, 28-2155 and  
41 28-2156 if the director is the registering officer.

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

44 14. Donations received pursuant to section 28-2269.

- 1           15. Dealer and registration monies collected pursuant to section
- 2 28-4304.
- 3           16. Abandoned vehicle administration monies deposited pursuant to
- 4 section 28-4804.
- 5           17. Monies deposited pursuant to section 28-710, subsection D,
- 6 paragraph 2.
- 7           18. Monies deposited pursuant to section 28-2065.
- 8           19. Monies deposited pursuant to section 28-7311.
- 9           20. Monies deposited pursuant to section 28-7059.
- 10          21. Monies deposited pursuant to section 28-1105.
- 11          22. Monies deposited pursuant to section 28-2448, subsection D.
- 12          23. Monies deposited pursuant to section 28-3415.
- 13          24. Monies deposited pursuant to section 28-3002, subsection A,
- 14 paragraph 14.
- 15          25. Monies deposited pursuant to section 28-7316.
- 16          26. Monies deposited pursuant to section 28-4302.
- 17          27. MONIES DEPOSITED PURSUANT TO SECTION 28-3416.

**APPROVED BY THE GOVERNOR MAY 16, 2018**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2018**

Passed the House February 21, 20 18

Passed the Senate April 24, 20 18

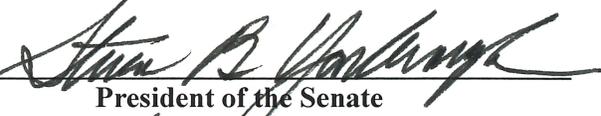
by the following vote: 60 Ayes,

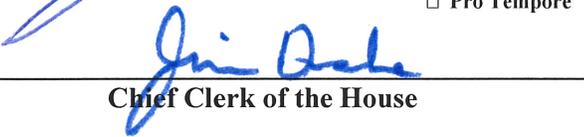
by the following vote: 29 Ayes,

0 Nays, 0 Not Voting

0 Nays, 1 Not Voting

  
\_\_\_\_\_  
Speaker of the House

  
\_\_\_\_\_  
President of the Senate

Pro Tempore  
  
\_\_\_\_\_  
Chief Clerk of the House

  
\_\_\_\_\_  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this  
\_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of  
\_\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Secretary of State

H.B. 2455

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

May 3, 2018,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

R. R. [Signature]  
Speaker of the House

Jim Drake  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

3rd day of May, 2018

at 6:40 o'clock P M.

Shelley Watt  
Secretary to the Governor

Approved this 16th day of

May, 2018,

at 1:37 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 16 day of May, 2018,

at 4:29 o'clock P. M.

Michelle Reagan  
Secretary of State

H.B. 2455