



DOUGLAS A. DUCEY  
GOVERNOR

STATE OF ARIZONA  
OFFICE OF THE 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'.

Douglas A. Ducey  
Governor  
State of Arizona

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

House Engrossed  
**FILED**

**MICHELE REAGAN**  
**SECRETARY OF STATE**

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

**CHAPTER 322**  
**HOUSE BILL 2650**

AN ACT

AMENDING SECTIONS 12-114, 28-3392 AND 28-3394, ARIZONA REVISED STATUTES;  
AMENDING TITLE 28, CHAPTER 8, ARTICLE 7, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 28-3394.01; AMENDING SECTION 28-3396, ARIZONA REVISED  
STATUTES; RELATING TO DEFENSIVE DRIVING SCHOOL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-114, Arizona Revised Statutes, is amended to  
3 read:

4 12-114. Surcharge on court ordered diversion programs for  
5 traffic offenses; deposit

6 A. If a court authorizes individuals charged with civil or criminal  
7 traffic offenses to attend a court authorized diversion program, including  
8 a defensive driving school program, it shall require the assessment of a  
9 five dollar surcharge on the fees charged by such court authorized  
10 diversion programs. THE SURCHARGE APPLIES TO EVERY INDIVIDUAL WHO ATTENDS  
11 A COURT AUTHORIZED DIVERSION PROGRAM, INCLUDING AN INDIVIDUAL WHO HOLDS A  
12 COMMERCIAL DRIVER LICENSE.

13 B. A court or a court authorized diversion program shall collect  
14 the five dollar surcharge and remit the surcharge to the supreme court  
15 which shall deposit, pursuant to sections 35-146 and 35-147, the surcharge  
16 in the judicial collection enhancement fund.

17 Sec. 2. Section 28-3392, Arizona Revised Statutes, is amended to  
18 read:

19 28-3392. Defensive driving school; eligibility

20 A. A court:

21 1. Shall allow an individual who is issued a citation for a civil  
22 traffic moving violation pursuant to chapter 3, articles 2, 3, 4 and 6  
23 through 15 of this title or a local civil traffic ordinance relating to  
24 the same subject matter to attend a defensive driving school for the  
25 purposes provided in this article.

26 2. Except as prescribed in subsection C of this section: ~~—~~

27 (a) May allow an individual who is issued a citation for a  
28 violation of section 28-701.02 to attend a defensive driving school.

29 (b) SHALL ALLOW AN INDIVIDUAL WHO HOLDS A COMMERCIAL DRIVER LICENSE  
30 AND WHO IS ISSUED A CITATION FOR A CIVIL TRAFFIC MOVING VIOLATION PURSUANT  
31 TO CHAPTER 3, ARTICLE 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14 OR 15 OF  
32 THIS TITLE OR A LOCAL CIVIL TRAFFIC ORDINANCE RELATING TO THE SAME SUBJECT  
33 MATTER TO ATTEND A DEFENSIVE DRIVING SCHOOL FOR THE PURPOSES PROVIDED IN  
34 THIS ARTICLE ONLY IF THE INDIVIDUAL WAS DRIVING A VEHICLE REQUIRING A  
35 CLASS D LICENSE OR A CLASS M LICENSE AND THE VEHICLE WAS NOT BEING USED  
36 FOR COMMERCIAL PURPOSES.

37 B. A person who attends a defensive driving school pursuant to this  
38 article is not eligible to attend a defensive driving school again within  
39 twelve months from the day of the last violation for which the person was  
40 authorized by this article to attend a defensive driving school.

41 C. Notwithstanding subsection A of this section:

42 1. An individual who commits a civil or criminal traffic violation  
43 resulting in death or serious physical injury is not eligible to attend a  
44 defensive driving school, except that the court may order the individual  
45 to attend a defensive driving school in addition to another sentence

1 imposed by the court on an adjudication or admission of the traffic  
2 violation.

3 2. If a ~~commercial driver license holder or a~~ driver of a  
4 commercial motor vehicle that requires a commercial driver license is  
5 found guilty or responsible for a moving violation, the court may require  
6 the violator to attend defensive driving school as an element of sentence,  
7 but may not dismiss the conviction or finding of responsibility and shall  
8 report the conviction or finding of responsibility to the department as  
9 prescribed in section 28-1559. A ~~commercial driver license holder or a~~  
10 driver of a commercial motor vehicle that requires a commercial driver  
11 license is not eligible for the defensive driving diversion program.

12 Sec. 3. Section 28-3394, Arizona Revised Statutes, is amended to  
13 read:

14 28-3394. Successful course completion

15 A. EXCEPT AS PROVIDED IN SECTION 28-3394.01, if an eligible  
16 individual successfully completes the course at a defensive driving  
17 school:

18 1. The court shall dismiss the civil or criminal traffic citation  
19 for which the individual attended the school.

20 2. The department shall not include a record of the civil or  
21 criminal traffic citation for which the individual attended the school on  
22 the individual's driving record.

23 B. The dismissal of a civil or criminal traffic citation pursuant  
24 to this section does not preclude the introduction of evidence pertaining  
25 to the issuance of the citation in a civil or criminal proceeding.

26 Sec. 4. Title 28, chapter 8, article 7, Arizona Revised Statutes,  
27 is amended by adding section 28-3394.01, to read:

28 28-3394.01. Commercial driver license holders

29 A. THE COURT SHALL FORWARD TO THE DEPARTMENT AN ABSTRACT OF A  
30 RECORD OF JUDGMENT AGAINST A PERSON WHO HOLDS A COMMERCIAL DRIVER LICENSE  
31 AND WHO IS ELIGIBLE TO ATTEND DEFENSIVE DRIVING SCHOOL PURSUANT TO SECTION  
32 28-3392. THE DEPARTMENT SHALL INCLUDE A RECORD OF THE CIVIL TRAFFIC  
33 VIOLATION ON THE PERSON'S DRIVING RECORD. THE DEPARTMENT OR AN AGENCY OF  
34 THIS STATE MAY NOT CONSIDER THE VIOLATION FOR THE PURPOSE OF DETERMINING  
35 WHETHER THE PERSON'S DRIVER LICENSE SHOULD BE SUSPENDED OR REVOKED.

36 B. IF THE PERSON DESCRIBED IN SUBSECTION A OF THIS SECTION  
37 SUCCESSFULLY COMPLETES THE COURSE AT A DEFENSIVE DRIVING SCHOOL:

38 1. THE COURT MAY NOT IMPOSE A CIVIL PENALTY FOR THE TRAFFIC  
39 CITATION FOR WHICH THE INDIVIDUAL ATTENDED THE SCHOOL.

40 2. FOR PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE, AN  
41 INSURER SHALL CONSIDER THE TRAFFIC CITATION EQUIVALENT TO A DISMISSED  
42 TRAFFIC CITATION PURSUANT TO SECTION 28-3394 EXCEPT THAT AN INSURER OF A  
43 COMMERCIAL MOTOR VEHICLE MAY CONSIDER THE CITATION FOR UNDERWRITING AND  
44 RATING PURPOSES FOR ANY POLICY COVERING THE VEHICLE.

1           Sec. 5. Section 28-3396, Arizona Revised Statutes, is amended to  
2 read:

3           28-3396. Court diversion fee

4           A. The presiding judge of each court shall:

5           1. Set the amount of the court diversion fee that an individual,  
6 INCLUDING AN INDIVIDUAL WHO HOLDS A COMMERCIAL DRIVER LICENSE, who attends  
7 a defensive driving school may be assessed.

8           2. Charge an individual a forty-five dollar surcharge if the  
9 individual attends a defensive driving school.

10           3. Immediately inform the supreme court in writing of the amount of  
11 the court diversion fee that is established for the court and the total  
12 cost to attend a defensive driving school.

13           4. Immediately inform the supreme court in writing of any changes  
14 in the total cost to attend a defensive driving school.

15           B. Payment of the court diversion fee and surcharge is in lieu of  
16 payment of a civil penalty or criminal fine and any surcharge that are  
17 imposed for a traffic violation.

18           C. The driving school shall collect the court diversion fee and  
19 surcharge before or at the time an individual attends the school. On  
20 receipt of the diversion fee, the defensive driving school shall transmit  
21 the fee promptly to the appropriate court pursuant to procedures  
22 prescribed by the supreme court. On receipt of the surcharge, the  
23 defensive driving school shall transmit the surcharge promptly to the  
24 state treasurer for deposit, pursuant to sections 35-146 and 35-147, as  
25 follows:

26           1. The first ten million four hundred thousand dollars in revenue  
27 annually in the department of public safety forensics fund established by  
28 section 41-1730.

29           2. All remaining money in the state general fund.

30           Sec. 6. Effective date

31           This act is effective from and after August 31, 2019.

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

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

Passed the House May 3, 20 18

Passed the Senate May 3, 20 18

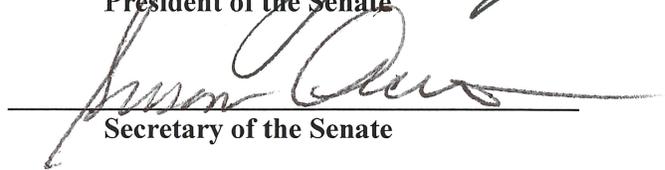
by the following vote: 46 Ayes,

by the following vote: 20 Ayes,

14 Nays, 0 Not Voting

9 Nays, 1 Not Voting

  
Speaker of the House  
 Pro Tempore  
  
Chief Clerk of the House

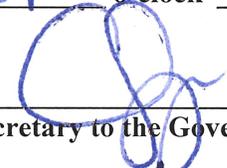
  
President of the Senate  
  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

4<sup>th</sup> day of May, 20 18

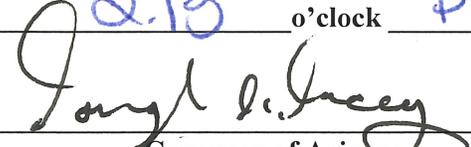
at 9:01 o'clock X M.

  
Secretary to the Governor

Approved this 16<sup>th</sup> day of

May 2018

at 2:13 o'clock P. M.

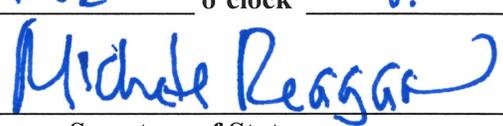
  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 16 day of May, 20 18

at 4:32 o'clock P. M.

  
Secretary of State

H.B. 2650