

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

HOUSE BILL 2053

AN ACT

AMENDING SECTIONS 13-907, 28-1381, 28-1382, 28-1383, 28-1387, 28-1461, 28-1462, 28-1463, 28-1464, 28-3005, 28-3158, 28-3174, 28-3312, 28-3315 AND 28-3319, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 8, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-3322; RELATING TO DRIVING PRIVILEGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 "Section 1. Section 13-907, Arizona Revised Statutes, is amended to
3 read:

4 13-907. Setting aside judgment of convicted person on
5 discharge; making of application; release from
6 disabilities; exceptions

7 A. Except as provided in subsection B of this section, every person
8 convicted of a criminal offense may, upon fulfillment of the conditions of
9 probation or sentence and discharge by the court, apply to the judge, justice
10 of the peace or magistrate who pronounced sentence or imposed probation or
11 such judge, justice of the peace or magistrate's successor in office to have
12 the judgment of guilt set aside. The convicted person shall be informed of
13 this right at the time of discharge. The application to set aside the
14 judgment may be made by the convicted person or by the convicted person's
15 attorney or probation officer authorized in writing. If the judge, justice
16 of the peace or magistrate grants the application, the judge, justice of the
17 peace or magistrate shall set aside the judgment of guilt, dismiss the
18 accusations or information and order that the person be released from all
19 penalties and disabilities resulting from the conviction other than those
20 imposed by the department of transportation ~~pursuant to section 28-3304,~~
21 ~~28-3306, 28-3307 or 28-3308~~, except that the conviction may be used as a
22 conviction if such conviction would be admissible had it not been set aside
23 and may be pleaded and proved in any subsequent prosecution of such person by
24 the state or any of its subdivisions for any offense or used by the
25 department of transportation ~~in enforcing the provisions of section 28-3304,~~
26 ~~28-3306, 28-3307 or 28-3308~~ as if the judgment of guilt had not been set
27 aside.

28 B. This section does not apply to a person convicted of a criminal
29 offense:

- 30 1. Involving the infliction of serious physical injury.
- 31 2. Involving the use or exhibition of a deadly weapon or dangerous
32 instrument.
- 33 3. In violation of chapter 14 of this title.
- 34 4. In which the victim is a minor under fifteen years of age.
- 35 5. In violation of section 28-3473, any local ordinance relating to
36 stopping, standing or operation of a vehicle or title 28, chapter 3, except a
37 violation of section 28-693 or any local ordinance relating to the same
38 subject matter as section 28-693.

39 Sec. 2. Section 28-1381, Arizona Revised Statutes, is amended to read:

40 28-1381. Driving or actual physical control while under the
41 influence; trial by jury; presumptions; admissible
42 evidence; sentencing; classification

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

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

5 2. If the person has an alcohol concentration of 0.10 or more within
6 two hours of driving or being in actual physical control of the vehicle and
7 the alcohol concentration results from alcohol consumed either before or
8 while driving or being in actual physical control of the vehicle.

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

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

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

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

19 D. A person using a drug prescribed by a medical practitioner licensed
20 pursuant to title 32, chapter 7, 11, 13 or 17 is not guilty of violating
21 subsection A, paragraph 3 of this section.

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

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

30 G. In a trial, action or proceeding for a violation of this section or
31 section 28-1383 other than a trial, action or proceeding involving driving or
32 being in actual physical control of a commercial vehicle, the defendant's
33 alcohol concentration within two hours of the time of driving or being in
34 actual physical control as shown by analysis of the defendant's blood, breath
35 or other bodily substance gives rise to the following presumptions:

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

39 2. If there was at that time in excess of 0.05 but less than 0.10
40 alcohol concentration in the defendant's blood, breath or other bodily
41 substance, that fact shall not give rise to a presumption that the defendant
42 was or was not under the influence of intoxicating liquor, but that fact may
43 be considered with other competent evidence in determining the guilt or
44 innocence of the defendant.

1 3. If there was at that time 0.10 or more alcohol concentration in the
2 defendant's blood, breath or other bodily substance, it may be presumed that
3 the defendant was under the influence of intoxicating liquor.

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

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

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

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

12 3. May be ordered by a court to perform community service.

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

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

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

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

32 3. May be ordered by a court to perform community service.

33 4. Shall have the person's driving privilege revoked for one year. The
34 court shall report the conviction to the department. On receipt of the
35 report, the department shall revoke the person's driving privilege and shall
36 require the person to equip any motor vehicle the person operates with a
37 certified ignition interlock device ~~for one year on the conclusion of the~~
38 ~~license suspension or revocation~~ PURSUANT TO SECTION 28-3319. In addition,
39 the court may order the person to equip any motor vehicle the person operates
40 with a certified ignition interlock device for more than ~~one year~~ TWELVE
41 MONTHS BEGINNING on the conclusion of the license suspension or revocation OR
42 ON THE DATE OF CONVICTION, WHICHEVER OCCURS LATER. The person who operates a
43 motor vehicle with a certified ignition interlock device under this paragraph
44 shall comply with article 5 of this chapter.

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

8 M. In applying the sixty month provision of subsection K of this
9 section, the dates of the commission of the offense shall be the determining
10 factor, irrespective of the sequence in which the offenses were committed.

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

14 Sec. 3. Section 28-1382, Arizona Revised Statutes, is amended to read:
15 28-1382. Driving or actual physical control while under the
16 extreme influence of intoxicating liquor; trial by
17 jury; sentencing; classification

18 A. It is unlawful for a person to drive or be in actual physical
19 control of a vehicle in this state if the person has an alcohol concentration
20 of 0.18 or more within two hours of driving or being in actual physical
21 control of the vehicle and the alcohol concentration results from alcohol
22 consumed either before or while driving or being in actual physical control
23 of the vehicle.

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

27 C. At the arraignment, the court shall inform the defendant that the
28 defendant may request a trial by jury and that the request, if made, shall be
29 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 days
32 in jail and is not eligible for probation or suspension of execution of
33 sentence unless the entire sentence is served.

34 2. Shall pay a fine of not less than two hundred fifty dollars. The
35 fine prescribed in this paragraph and any assessments, restitution and
36 incarceration costs shall be paid before the assessment prescribed in
37 paragraph 3 of this subsection.

38 3. Shall pay an additional assessment of two hundred fifty dollars. If
39 the conviction occurred in the superior court or a justice court, the court
40 shall transmit the monies received pursuant to this paragraph to the county
41 treasurer. If the conviction occurred in a municipal court, the court shall
42 transmit the monies received pursuant to this paragraph to the city
43 treasurer. The city or county treasurer shall transmit the monies received
44 to the state treasurer. The state treasurer shall deposit the monies

1 received in the driving under the influence abatement fund established by
2 section 28-1304.

3 4. May be ordered by a court to perform community service.

4 5. Shall be required by the department, on receipt of the report of
5 conviction, to equip any motor vehicle the person operates with a certified
6 ignition interlock device ~~for one year on the conclusion of the license~~
7 ~~suspension or revocation~~ PURSUANT TO SECTION 28-3319. In addition, the court
8 may order the person to equip any motor vehicle the person operates with a
9 certified ignition interlock device for more than ~~one year~~ TWELVE MONTHS
10 BEGINNING on the conclusion of the license suspension or revocation OR ON THE
11 DATE OF CONVICTION, WHICHEVER OCCURS LATER. The person who operates a motor
12 vehicle with a certified ignition interlock device under this paragraph shall
13 comply with article 5 of this chapter.

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

22 F. If within a period of sixty months a person is convicted of a
23 second violation of this section or is convicted of a violation of this
24 section and has previously been convicted of a violation of section 28-1381
25 or 28-1383 or an act in another jurisdiction that if committed in this state
26 would be a violation of this section or section 28-1381 or 28-1383, the
27 person:

28 1. Shall be sentenced to serve not less than one hundred twenty days
29 in jail, sixty days of which shall be served consecutively, and is not
30 eligible for probation or suspension of execution of sentence unless the
31 entire sentence has been served.

32 2. Shall pay a fine of not less than five hundred dollars. The fine
33 prescribed in this paragraph and any assessments, restitution and
34 incarceration costs shall be paid before the assessment prescribed in
35 paragraph 3 of this subsection.

36 3. Shall pay an additional assessment of two hundred fifty dollars. If
37 the conviction occurred in the superior court or a justice court, the court
38 shall transmit the monies received pursuant to this paragraph to the county
39 treasurer. If the conviction occurred in a municipal court, the court shall
40 transmit the monies received pursuant to this paragraph to the city
41 treasurer. The city or county treasurer shall transmit the monies received
42 to the state treasurer. The state treasurer shall deposit the monies
43 received in the driving under the influence abatement fund established by
44 section 28-1304.

45 4. May be ordered by a court to perform community service.

1 5. Shall have the person's driving privilege revoked for at least one
2 year. The court shall report the conviction to the department. On receipt
3 of the report, the department shall revoke the person's driving privilege and
4 shall require the person to equip any motor vehicle the person operates with
5 a certified ignition interlock device ~~for one year on the conclusion of the~~
6 ~~license suspension or revocation~~ PURSUANT TO SECTION 28-3319. In addition,
7 the court may order the person to equip any motor vehicle the person operates
8 with a certified ignition interlock device for more than ~~one year~~ TWELVE
9 MONTHS BEGINNING on the conclusion of the license suspension or revocation OR
10 ON THE DATE OF CONVICTION, WHICHEVER IS LATER. The person who operates a
11 motor vehicle with a certified ignition interlock device under this paragraph
12 shall comply with article 5 of this chapter.

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

20 H. In applying the sixty month provision of subsection F of this
21 section, the dates of the commission of the offense shall be the determining
22 factor, irrespective of the sequence in which the offenses were committed.

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

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

28 Sec. 4. Section 28-1383, Arizona Revised Statutes, is amended to read:
29 28-1383. Aggravated driving or actual physical control while
30 under the influence; violation; classification;
31 definition

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

35 1. Commits a violation of section 28-1381, section 28-1382 or this
36 section while the person's driver license or privilege to drive is suspended,
37 canceled, revoked or refused or while a restriction is placed on the person's
38 driver license or privilege to drive as a result of violating section 28-1381
39 or 28-1382 or under section 28-1385.

40 2. Within a period of sixty months commits a third or subsequent
41 violation of section 28-1381, section 28-1382 or this section or is convicted
42 of a violation of section 28-1381, section 28-1382 or this section and has
43 previously been convicted of any combination of convictions of section
44 28-1381, section 28-1382 or this section or acts in another jurisdiction that

1 if committed in this state would be a violation of section 28-1381, section
2 28-1382 or this section.

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

5 (a) Section 28-1381.

6 (b) Section 28-1382.

7 B. The dates of the commission of the offenses are the determining
8 factor in applying the sixty month provision provided in subsection A,
9 paragraph 2 of this section regardless of the sequence in which the offenses
10 were committed. For purposes of this section, a third or subsequent
11 violation for which a conviction occurs does not include a conviction for an
12 offense arising out of the same series of acts.

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

16 D. A person is not eligible for probation, pardon, commutation or
17 suspension of sentence or release on any other basis until the person has
18 served not less than four months in prison if the person is convicted under
19 either of the following:

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

21 2. Subsection A, paragraph 2 of this section and within a sixty month
22 period has been convicted of two prior violations of section 28-1381, section
23 28-1382 or this section, or any combination of those sections, or acts in
24 another jurisdiction that if committed in this state would be a violation of
25 section 28-1381, section 28-1382 or this section.

26 E. A person who is convicted under subsection A, paragraph 2 of this
27 section and who within a sixty month period has been convicted of three or
28 more prior violations of section 28-1381, section 28-1382 or this section, or
29 any combination of those sections, or acts in another jurisdiction that if
30 committed in this state would be a violation of section 28-1381, section
31 28-1382 or this section is not eligible for probation, pardon, commutation or
32 suspension of sentence or release on any other basis until the person has
33 served not less than eight months in prison.

34 F. In addition to any other penalty provided by law, a person who is
35 convicted under subsection A, paragraph 3, subdivision (a) of this section
36 shall be sentenced to at least the minimum sentence required pursuant to
37 section 28-1381, except that if a person has been convicted of at least two
38 prior violations of section 28-1381, section 28-1382 or this section, or any
39 combination of those sections, or convicted of at least two prior acts in
40 another jurisdiction that if committed in this state would be violations of
41 section 28-1381, section 28-1382 or this section, or any combination of those
42 sections, within a sixty month period, the person shall be sentenced to serve
43 at least the minimum sentence required pursuant to this section.

44 G. In addition to any other penalty provided by law, a person who is
45 convicted under subsection A, paragraph 3, subdivision (b) of this section

1 shall be sentenced to at least the minimum sentence required pursuant to
2 section 28-1382, except that if a person has been convicted of at least two
3 prior violations of section 28-1381, section 28-1382 or this section, or any
4 combination of those sections, or convicted of at least two prior acts in
5 another jurisdiction that if committed in this state would be a violation of
6 section 28-1381, section 28-1382 or this section, or any combination of those
7 sections, within a sixty month period, the person shall be sentenced to serve
8 at least the minimum sentence required pursuant to this section.

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

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

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

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

25 J. The court:

26 1. Shall report the conviction to the department. On receipt of the
27 report, the department shall revoke the driving privilege of the person. The
28 department shall not issue the person a new driver license within three years
29 of the date of the conviction and, for a conviction of a violation of
30 subsection A, paragraph 1 or 2 or paragraph 3, subdivision (b) of this
31 section, shall require the person to equip any motor vehicle the person
32 operates with a certified ignition interlock device ~~for one year on the~~
33 ~~conclusion of the license suspension or revocation~~ PURSUANT TO SECTION
34 28-3319. In addition, the court may order the person to equip any motor
35 vehicle the person operates with a certified ignition interlock device for
36 more than ~~one year~~ TWELVE MONTHS BEGINNING on the conclusion of the license
37 suspension or revocation OR ON THE DATE OF CONVICTION, WHICHEVER OCCURS
38 LATER. The person who operates a motor vehicle with a certified ignition
39 interlock device under this paragraph shall comply with article 5 of this
40 chapter.

41 2. In addition to any other penalty prescribed by law, shall order the
42 person to pay an additional assessment of two hundred fifty dollars. If the
43 conviction occurred in the superior court or a justice court, the court shall
44 transmit the monies received pursuant to this paragraph to the county
45 treasurer. If the conviction occurred in a municipal court, the court shall

1 transmit the monies received pursuant to this paragraph to the city
2 treasurer. The city or county treasurer shall transmit the monies received
3 to the state treasurer. The state treasurer shall deposit the monies
4 received in the driving under the influence abatement fund established by
5 section 28-1304. Any fine imposed for a violation of this section and any
6 assessments, restitution and incarceration costs shall be paid before the
7 assessment prescribed in this paragraph.

8 K. Aggravated driving or actual physical control while under the
9 influence of intoxicating liquor or drugs committed under:

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

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

12 L. For the purposes of this section, "suspension, cancellation,
13 revocation or refusal" means any suspension, cancellation, revocation or
14 refusal.

15 Sec. 5. Section 28-1387, Arizona Revised Statutes, is amended to read:

16 28-1387. Prior convictions; alcohol or other drug screening,
17 education and treatment; license suspension;
18 supervised probation; civil liability; procedures

19 A. The court shall allow the allegation of a prior conviction or any
20 other pending charge of a violation of section 28-1381, 28-1382 or 28-1383 or
21 an act in another jurisdiction that if committed in this state would be a
22 violation of section 28-1381, 28-1382 or 28-1383 filed twenty or more days
23 before the date the case is actually tried and may allow the allegation of a
24 prior conviction or any other pending charge of a violation of section
25 28-1381, 28-1382 or 28-1383 or an act in another jurisdiction that if
26 committed in this state would be a violation of section 28-1381, 28-1382 or
27 28-1383 filed at any time before the date the case is actually tried if this
28 state makes available to the defendant when the allegation is filed a copy of
29 any information obtained concerning the prior conviction or other pending
30 charge. Any conviction may be used to enhance another conviction
31 irrespective of the dates on which the offenses occurred within the sixty
32 month provision. For the purposes of this article, an order of a juvenile
33 court adjudicating a person delinquent is equivalent to a conviction.

34 B. In addition to any other penalties prescribed by law, the judge
35 shall order a person who is convicted of a violation of section 28-1381 or
36 28-1382 to complete alcohol or other drug screening that is provided by a
37 facility approved by the department of health services or a probation
38 department. If a judge determines that the person requires further alcohol
39 or other drug education or treatment, the person may be required pursuant to
40 court order to obtain alcohol or other drug education or treatment under the
41 court's supervision from an approved facility. The judge may review an
42 education or treatment determination at the request of the state or the
43 defendant or on the judge's initiative. The person shall pay the costs of
44 the screening, education or treatment unless the court waives part or all of
45 the costs. If a person is referred to a screening, education or treatment

1 facility, the facility shall report to the court whether the person has
2 successfully completed the screening, education or treatment program.

3 C. After a person who is sentenced pursuant to section 28-1381,
4 subsection I has served twenty-four consecutive hours in jail or after a
5 person who is sentenced pursuant to section 28-1381, subsection K or section
6 28-1382, subsection D or F has served forty-eight consecutive hours in jail
7 and after the court receives confirmation that the person is employed or is a
8 student, the court may provide in the sentence that the defendant, if the
9 defendant is employed or is a student and can continue the defendant's
10 employment or studies, may continue the employment or studies for not more
11 than twelve hours a day nor more than five days a week. The person shall
12 spend the remaining day, days or parts of days in jail until the sentence is
13 served and shall be allowed out of jail only long enough to complete the
14 actual hours of employment or studies.

15 D. Unless the license of a person ~~sentenced~~ CONVICTED under section
16 28-1381 or 28-1382 has been or is suspended pursuant to section 28-1321 or
17 28-1385, the department on receipt of the abstract of conviction of a
18 violation of section 28-1381 or 28-1382 shall suspend the license of the
19 affected person for not less than ninety consecutive days.

20 E. When the department receives notification that the person meets the
21 criteria provided in section 28-1385, subsection F, the department shall
22 suspend the driving privileges of the person for not less than thirty
23 consecutive days and shall restrict the driving privileges of the person for
24 not less than sixty consecutive additional days to travel between any of the
25 following:

26 1. The person's place of employment and residence and during specified
27 periods of time while at employment.

28 2. The person's place of residence and the person's secondary or
29 postsecondary school, according to the person's employment or educational
30 schedule.

31 3. The person's place of residence and a treatment facility for
32 scheduled appointments.

33 4. The person's place of residence and the office of the person's
34 probation officer for scheduled appointments.

35 F. If a person is placed on probation for violating section 28-1381 or
36 28-1382, the probation shall be supervised unless the court finds that
37 supervised probation is not necessary or the court does not have supervisory
38 probation services.

39 G. Any political subdivision processing or using the services of a
40 person ordered to perform community service pursuant to section 28-1381 or
41 28-1382 does not incur any civil liability to the person ordered to perform
42 community service as a result of these activities unless the political
43 subdivision or its agent or employee acts with gross negligence.

1 H. Except for another violation of this article, the state shall not
2 dismiss a charge of violating any provision of this article unless there is
3 an insufficient legal or factual basis to pursue that charge.

4 Sec. 6. Section 28-1461, Arizona Revised Statutes, is amended to read:
5 28-1461. Court ordered use of certified ignition interlock
6 devices

7 A. If a person's driving privilege is limited pursuant to section
8 28-1381, 28-1382, ~~OR~~ 28-1383 OR 28-3319:

9 1. The person shall:

10 (a) Pay the costs for installation and maintenance of the certified
11 ignition interlock device.

12 (b) Provide proof to the department of installation of a functioning
13 certified ignition interlock device in each motor vehicle operated by the
14 person.

15 (c) Provide proof of compliance to the department at least once every
16 ninety days during the period the person is ordered to use an ignition
17 interlock device.

18 (d) Provide proof of inspection of the certified ignition interlock
19 device for accurate operation and the results of the inspection to the
20 department at least once every ninety days during the period the person is
21 ordered to use an ignition interlock device.

22 2. The department shall not reinstate the person's driver license
23 until the person has installed a functioning certified ignition interlock
24 device in each motor vehicle operated by the person and has provided proof of
25 installation to the department.

26 B. The department shall make a notation on the driving record of a
27 person whose driving privilege is limited pursuant to section 28-1381,
28 28-1382, ~~OR~~ 28-1383 OR 28-3319 that states that the person shall not operate
29 a motor vehicle unless it is equipped with a certified ignition interlock
30 device.

31 Sec. 7. Section 28-1462, Arizona Revised Statutes, is amended to read:
32 28-1462. Ignition interlock device certification; installer
33 bonds

34 A. After consulting with the director of the department of health
35 services, the assistant director for the motor vehicle division of the
36 department of transportation shall:

37 1. Certify ignition interlock devices.

38 2. Publish a list of certified ignition interlock devices that
39 includes information about the manufacturers of the devices and where the
40 devices may be ordered.

41 3. Make the list available to the courts and probation departments
42 without charge.

43 B. The assistant director shall adopt rules prescribing the
44 requirements for certification of an ignition interlock device. These rules
45 shall include:

- 1 1. The procedure for certification of ignition interlock devices.
2 2. Provisions to ensure the reliability of the ignition interlock
3 device over the range of motor vehicle environments.
4 3. Provisions to ensure that the ignition interlock device works
5 accurately in an unsupervised environment.
6 C. The assistant director shall not certify an ignition interlock
7 device unless all of the following are satisfied:
8 1. The device requires a deep-lung breath sample or another accurate
9 measure of the concentration by weight of alcohol in the breath.
10 2. The device is made by a manufacturer that is covered by product
11 liability insurance.
12 3. The manufacturer of the device indemnifies this state against any
13 liability that may result from the use of the device.
14 D. The assistant director may adopt, in whole or in part, the
15 guidelines, rules, regulations, studies or independent laboratory tests
16 performed and relied on by other states or agencies or commissions of other
17 states in the certification or approval of ignition interlock devices.
18 E. Each installer of a certified ignition interlock device shall
19 submit to the department a bond in a form to be approved by the assistant
20 director and in an amount of at least twenty-five thousand dollars. The bond
21 inures to the benefit of any person who is ordered ~~by a court~~ OR REQUIRED to
22 equip a motor vehicle with an ignition interlock device pursuant to article 3
23 of this chapter OR SECTION 28-3319 and who suffers a loss because of either
24 of the following:
25 1. Insolvency or discontinuance of business of the installer of the
26 device.
27 2. Failure of the installer or agent of the installer to comply with
28 any rule adopted pursuant to this section.
29 F. The assistant director shall adopt a warning label design to be
30 affixed to each certified ignition interlock device on installation. The
31 label shall contain a warning that a person tampering with, circumventing or
32 otherwise misusing the ignition interlock device is guilty of a class 1
33 misdemeanor.
34 Sec. 8. Section 28-1463, Arizona Revised Statutes, is amended to read:
35 28-1463. Proof of compliance; inspections; suspension
36 A. If a person whose driving privilege is limited pursuant to section
37 28-1381, 28-1382, ~~or~~ 28-1383 OR 28-3319 does not submit proof of compliance
38 to the department as prescribed in section 28-1461, the department shall
39 suspend the person's driver license for at least ~~one year~~ TWELVE MONTHS. If
40 a person does not request a hearing pursuant to subsection B of this section,
41 the department shall immediately suspend the person's driver license.
42 B. A person whose driver license is suspended pursuant to this section
43 may submit a written request for a hearing. The written request must be
44 received by the department within fifteen days after the date of the order of

1 suspension. On receipt of a request for a hearing, a hearing shall be held
2 within thirty days.

3 C. A timely request for a hearing stays the suspension until a hearing
4 is held, except that the department shall not return any surrendered driver
5 license or permit to the person but may issue temporary permits to drive that
6 expire no later than when the department has made its final decision.

7 D. Hearings requested pursuant to this section shall be conducted in
8 the same manner and under the same conditions as provided in section
9 28-3306. For the purposes of this section, the scope of the hearing shall
10 include only the following issues:

11 1. Whether the person was ordered or required to equip a motor vehicle
12 with an ignition interlock device pursuant to article 3 of this chapter OR
13 SECTION 28-3319.

14 2. Whether the person submitted proof of compliance or inspection
15 pursuant to section 28-1461.

16 Sec. 9. Section 28-1464, Arizona Revised Statutes, is amended to read:
17 28-1464. Ignition interlock devices; violations;
18 classification; definition

19 A. A person whose driving privilege is limited pursuant to section
20 28-1381, 28-1382, ~~or~~ 28-1383 OR 28-3319 and who is required to operate a
21 motor vehicle owned by the person's employer in the course and scope of the
22 person's employment may operate that motor vehicle without the installation
23 of a certified ignition interlock device if the person notifies the person's
24 employer that the person, in conjunction with the person's sentence, has
25 specific requirements in order to operate a motor vehicle and the nature of
26 the requirements and the person has proof of the employer's notification in
27 the person's possession while operating the employer's motor vehicle for
28 normal business. For the purposes of this subsection, a motor vehicle that
29 is partly or entirely owned or controlled by the person whose driving
30 privilege is limited pursuant to section 28-1381, 28-1382, ~~or~~ 28-1383 OR
31 28-3319 is not a motor vehicle that is owned by an employer.

32 B. Except in cases of a substantial emergency, a person shall not
33 knowingly rent, lease or lend a motor vehicle to a person whose driving
34 privilege is limited pursuant to section 28-1381, 28-1382, ~~or~~ 28-1383 OR
35 28-3319 unless the motor vehicle is equipped with a functioning certified
36 ignition interlock device.

37 C. A person whose driving privilege is limited pursuant to section
38 28-1381, 28-1382, ~~or~~ 28-1383 OR 28-3319 and who rents, leases or borrows a
39 motor vehicle from another person shall notify the person who rents, leases
40 or lends the motor vehicle to the person that the person has specific
41 requirements for the operation of the motor vehicle and the nature of the
42 requirements.

43 D. During any period when a person whose driving privilege is limited
44 pursuant to section 28-1381, 28-1382, ~~or~~ 28-1383 OR 28-3319 is required to
45 operate only a motor vehicle that is equipped with a certified ignition

1 interlock device, the person shall not request or permit any other person to
2 breathe into the ignition interlock device or start a motor vehicle equipped
3 with an ignition interlock device for the purpose of providing the person
4 with an operable motor vehicle.

5 E. A person shall not breathe into an ignition interlock device or
6 start a motor vehicle equipped with an ignition interlock device for the
7 purpose of providing an operable motor vehicle to a person whose driving
8 privilege is limited pursuant to section 28-1381, 28-1382, ~~or~~ 28-1383 OR
9 28-3319.

10 F. A person whose driving privilege is limited pursuant to section
11 28-1381, 28-1382, ~~or~~ 28-1383 OR 28-3319 shall not tamper with or circumvent
12 the operation of an ignition interlock device.

13 G. A person who is not a manufacturer's authorized installer or an
14 agent of a manufacturer's authorized installer and who is not a person whose
15 driving privilege is limited pursuant to section 28-1381, 28-1382, ~~or~~ 28-1383
16 OR 28-3319 shall not tamper with or circumvent the operation of an ignition
17 interlock device.

18 H. Except as provided in subsection A of this section or in cases of
19 substantial emergency, a person whose driving privilege is limited pursuant
20 to section 28-1381, 28-1382, ~~or~~ 28-1383 OR 28-3319 shall not operate a motor
21 vehicle without a functioning certified ignition interlock device during the
22 time period prescribed in section 28-3319 OR BY A COURT PURSUANT TO SECTION
23 28-1381, 28-1382 or 28-1383.

24 I. A person who violates this section is guilty of a class 1
25 misdemeanor. Additionally, if a person is convicted of violating subsection
26 A, C, D, F or H of this section, the department shall extend the duration of
27 the certified ignition interlock device requirement for not more than one
28 year.

29 J. For the purposes of this section, "substantial emergency" means
30 that a person other than the person whose driving privilege is limited
31 pursuant to section 28-1381, 28-1382, ~~or~~ 28-1383 OR 28-3319 is not reasonably
32 available to drive in response to an emergency.

33 Sec. 10. Section 28-3005, Arizona Revised Statutes, is amended to
34 read:

35 28-3005. Medical or psychological reports; immunity;
36 definitions

37 A. A physician, psychologist or certified substance abuse counselor
38 who provides information to the director in good faith and at the written
39 request of a driver license applicant or licensee concerning a person's
40 medical or psychological condition with respect to operation of a motor
41 vehicle is immune from personal liability with respect to the information
42 provided.

43 B. Notwithstanding the physician-patient or psychologist-client
44 confidentiality relationship, a physician or psychologist may voluntarily
45 report a patient to the department who has a medical or psychological

1 condition that in the opinion of the physician or psychologist could
2 significantly impair the person's ability to safely operate a motor vehicle.
3 If a report is made, the physician or psychologist shall make the report in
4 writing, including the name, address and date of birth of the patient. On
5 receipt of the report, the department may require an examination of the
6 person reported in the manner provided by section 28-3314. A person shall
7 not bring an action against a physician or psychologist for not making a
8 report pursuant to this subsection. The physician or psychologist submitting
9 the report in good faith is immune from civil or criminal liability for
10 making the report pursuant to this subsection. The physician's or
11 psychologist's report is subject to subpoena or order to produce in an action
12 except an action against the physician or psychologist submitting the report.

13 C. In this section:

14 1. "Certified substance abuse counselor" means a person who is
15 certified by the board of behavioral health examiners in this state, who is
16 certified in ~~a contiguous~~ ANOTHER state, who is certified by a board for
17 certification of addiction counselors, who is a nationally certified
18 addiction counselor or who is employed by the federal government and
19 practicing in this state.

20 2. "Medical or psychological condition" means a condition that could
21 affect a person's functional ability to safely operate a motor vehicle.

22 3. "Physician" means a medical doctor, optometrist, chiropractor,
23 naturopathic physician, doctor of osteopathy or doctor of homeopathy who is
24 licensed to practice in this state or ~~a state contiguous to this~~ ANOTHER
25 state or who is employed by the federal government and practicing in this
26 state or their agents.

27 4. "Psychologist" means a person who is licensed pursuant to title 32,
28 chapter 19.1, who is licensed to practice psychology in ~~a state contiguous to~~
29 ~~this~~ ANOTHER state or who is employed by the federal government and
30 practicing in this state.

31 Sec. 11. Section 28-3158, Arizona Revised Statutes, is amended to
32 read:

33 28-3158. Driver license or instruction permit application

34 A. A person who applies for an instruction permit or for a driver
35 license shall use a form ~~furnished~~ PRESCRIBED OR AUTHORIZED by the
36 department.

37 B. An applicant shall pay the fee prescribed by section 28-3002 for a
38 driver license or for an instruction permit issued under section 28-3154,
39 28-3155, 28-3156 or 28-3225. Payment of the fee required by this section
40 entitles the applicant to not more than three attempts to pass the written
41 examination or road test within twelve months from the date of the
42 application. The department shall refund an application fee pursuant to
43 section 28-373. An applicant who submits documentation of successful
44 completion of a driver education course approved by the department is not
45 required to take the road test.

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

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

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

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

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

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

17 5. The social security number of the applicant unless the application
18 is for a nonresident commercial driver license **OR THE APPLICANT PROVIDES A**
19 **SWORN AFFIDAVIT, UNDER PENALTY OF PERJURY, STATING THAT THE APPLICANT DOES**
20 **NOT HAVE A SOCIAL SECURITY NUMBER.**

21 E. The department shall:

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

24 2. Retain the social security number in its records.

25 F. The social security number provided to the department pursuant to
26 subsection D of this section for an applicant's driver license or instruction
27 permit shall not appear on an applicant's driver license or instruction
28 permit unless the applicant requests that the social security number appear
29 on the applicant's driver license or instruction permit as the driver license
30 or instruction permit number. Except as provided in sections 28-450 and
31 41-1954, the department shall not release the social security number to any
32 person unless the applicant requests that the social security number appear
33 on the applicant's driver license or instruction permit as the driver license
34 or instruction permit number. The provisions of this subsection shall be
35 included in each application.

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

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

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

4 Sec. 12. Section 28-3174, Arizona Revised Statutes, is amended to
5 read:

6 28-3174. Class G driver licenses; motorcycles

7 A. A person who is under eighteen years of age may apply to the
8 department for a class G driver license if all of the following apply:

9 1. The person is at least sixteen years of age.

10 2. The person has a valid instruction permit issued pursuant to this
11 article and the person has held the instruction permit for at least five
12 months, except that this requirement does not apply to a person who has a
13 currently valid driver license issued by another jurisdiction.

14 3. Either:

15 (a) The person has satisfactorily completed a driver education program
16 that is approved by the department of transportation. If the driver
17 education program is offered by a public high school, the program shall be
18 approved by the department of transportation in consultation with the
19 department of education.

20 (b) A custodial parent or guardian of the person certifies in writing
21 to the department that the applicant has completed at least twenty-five hours
22 of supervised driving practice and that at least five of the required
23 practice hours were at night.

24 B. If the applicant successfully passes the examination prescribed in
25 section 28-3164 and satisfies the requirements prescribed in subsection A of
26 this section, the department may issue a class G driver license to the
27 applicant.

28 C. A class G driver license entitles the licensee to drive a motor
29 vehicle that requires a class G license on the public highways.

30 D. A person who holds a class G driver license may apply for a class D
31 license on or after the person's eighteenth birthday, except that a person
32 whose class G driver license is suspended pursuant to section 28-3321 is not
33 entitled to receive a class D driver license until after the suspension
34 period expires.

35 E. If a person who is under eighteen years of age and at least sixteen
36 years of age applies for a class M license or a motorcycle endorsement, the
37 department shall not issue the class M license or motorcycle endorsement to
38 the person unless both of the following apply:

39 1. The applicant has held an instruction permit issued pursuant to
40 section 28-3156 for at least five months, **EXCEPT THAT THIS REQUIREMENT DOES**
41 **NOT APPLY TO A PERSON WHO HAS A CURRENTLY VALID MOTORCYCLE DRIVER LICENSE OR**
42 **ENDORSEMENT ISSUED BY ANOTHER JURISDICTION.**

43 2. Either:

44 (a) The person has satisfactorily completed a motorcycle driver
45 education program that is approved by the department. If the driver

1 education program is offered by a public high school, the program shall be
2 approved by the department of transportation in consultation with the
3 department of education.

4 (b) A custodial parent or guardian of the person certifies in writing
5 to the department that the applicant has completed at least twenty-five hours
6 of motorcycle driving practice.

7 Sec. 13. Section 28-3312, Arizona Revised Statutes, is amended to
8 read:

9 28-3312. Mandatory disqualification of commercial driver
10 license; definition

11 A. The department shall disqualify a person from driving a commercial
12 motor vehicle as follows:

13 1. Except as otherwise provided in this subsection, for at least one
14 year from the date a person is convicted of a first violation of any of the
15 following:

16 (a) Driving a commercial motor vehicle under the influence of
17 intoxicating liquor or a controlled substance or while having an alcohol
18 concentration of 0.04 or more.

19 (b) Leaving the scene of an accident involving a commercial motor
20 vehicle driven by the person.

21 (c) Using a commercial motor vehicle in the commission of a felony.

22 2. For at least three years, if any of the violations prescribed in
23 paragraph 1 of this subsection occurred while the person was transporting a
24 hazardous material in the quantity and under the circumstances that require
25 placarding of the transport vehicle under the department's safety rules
26 pursuant to chapter 14 of this title.

27 3. Except as provided in subsection B of this section, for the life of
28 the person, if the person is convicted of two or more violations of any of
29 the offenses prescribed in paragraph 1 of this subsection or of any
30 combination of those offenses arising from two or more separate incidents.
31 The department shall consider only offenses committed from and after December
32 31, 1989 in applying this paragraph.

33 4. For the life of the person, if the person uses a commercial motor
34 vehicle in the commission of a felony involving the manufacture, distribution
35 or dispensing of a controlled substance or possession with intent to
36 manufacture, distribute or dispense a controlled substance.

37 5. For at least sixty consecutive days, if the person is convicted of
38 two serious traffic violations committed in a commercial motor vehicle
39 arising from separate incidents occurring within a three year period from the
40 date of the conviction.

41 6. For at least one hundred twenty consecutive days, if the person is
42 convicted of three serious traffic violations committed in a commercial motor
43 vehicle arising from separate incidents occurring within a three year period
44 from the date of the conviction.

1 B. Except as provided in subsection C of this section, a person who is
2 found responsible for violating an out-of-service order pursuant to section
3 28-5241 is disqualified from driving a commercial motor vehicle as follows:

4 1. For a period of ninety days if the person is found responsible for
5 a first violation of an out-of-service order.

6 2. For a period of one year if the person is found responsible for a
7 second violation of any out-of-service order during any ten year period
8 arising from separate incidents.

9 3. For a period of three years if the person is found responsible for
10 a third or subsequent violation of any out-of-service order during any ten
11 year period arising from separate incidents.

12 C. A person who is found responsible for violating an out-of-service
13 order pursuant to section 28-5241 while transporting hazardous materials or
14 while operating a commercial motor vehicle designed or used to transport
15 sixteen or more passengers, including the driver, is disqualified from
16 driving a commercial motor vehicle as follows:

17 1. For a period of one hundred eighty days if the person is found
18 responsible for a first violation of an out-of-service order.

19 2. For a period of two years if the person is found responsible for a
20 second or subsequent violation of any out-of-service order during any ten
21 year period arising from separate incidents.

22 D. A PERSON WHO IS CONVICTED OF OR FOUND RESPONSIBLE FOR VIOLATING ANY
23 FEDERAL, STATE OR LOCAL RAILROAD GRADE CROSSING LAW, ORDINANCE OR REGULATION
24 IS DISQUALIFIED FROM DRIVING A COMMERCIAL MOTOR VEHICLE AS FOLLOWS:

25 1. FOR A PERIOD OF SIXTY DAYS IF A PERSON IS CONVICTED OF OR FOUND
26 RESPONSIBLE FOR A FIRST VIOLATION.

27 2. FOR A PERIOD OF ONE HUNDRED TWENTY DAYS IF A PERSON IS CONVICTED OF
28 OR FOUND RESPONSIBLE FOR A SECOND VIOLATION DURING ANY THREE YEAR PERIOD.

29 3. FOR A PERIOD OF ONE YEAR IF A PERSON IS CONVICTED OF OR FOUND
30 RESPONSIBLE FOR A THIRD OR SUBSEQUENT VIOLATION DURING ANY THREE YEAR PERIOD.

31 ~~D.~~ E. The department may adopt rules establishing guidelines and
32 conditions under which the department may reduce a disqualification for life
33 pursuant to subsection A, paragraph 3 of this section to a disqualification
34 of at least ten years. IF A PERSON'S DISQUALIFICATION IS REDUCED PURSUANT TO
35 RULES ADOPTED PURSUANT TO THIS SUBSECTION AND THE PERSON IS SUBSEQUENTLY
36 DISQUALIFIED PURSUANT TO SUBSECTION A, PARAGRAPH 3 OF THIS SECTION, THE
37 PERSON IS PERMANENTLY DISQUALIFIED FROM DRIVING A COMMERCIAL VEHICLE AND IS
38 NOT ELIGIBLE TO APPLY FOR A REDUCTION OF THE DISQUALIFICATION PURSUANT TO
39 RULES ADOPTED PURSUANT TO THIS SUBSECTION.

40 ~~E.~~ F. For purposes of this section, "serious traffic violation" means
41 a conviction for any of the following:

42 1. Excessive speeding involving a single offense for a speed of
43 fifteen miles per hour or more above the posted speed limit.

44 2. Reckless driving as provided by section 28-693.

45 3. Aggressive driving as provided by section 28-695.

1 1. A person whose license or privilege to drive is revoked pursuant to
2 section 28-1383, subsection J or section 28-3304, subsection A, paragraph 1
3 or 9 is not entitled to have the person's license or privilege renewed or
4 restored for three years.

5 2. A person whose license or privilege to drive is revoked pursuant to
6 section 13-1209 is not entitled to have the person's license or privilege
7 renewed or restored for the period of time ordered by the court.

8 ~~E.~~ F. Except as provided in section 28-3473, if an unlicensed driver
9 commits an offense for which a driver license could be suspended, revoked or
10 disqualified, the department shall not accept the unlicensed driver's
11 application for a driver license for a period equal to the period of time
12 that applies to a driver with a license. If the offense is one for which a
13 driver license could be revoked, the department shall not accept the
14 unlicensed driver's application for a driver license unless it investigates
15 the character, habits and driving ability of the person and is satisfied that
16 it is safe to grant the privilege of driving a motor vehicle on the public
17 highways.

18 ~~F.~~ G. The expiration of a person's license during the period of time
19 it is under suspension, revocation or disqualification does not invalidate or
20 terminate the suspension, revocation or disqualification.

21 ~~G.~~ H. A person whose license or privilege to drive a motor vehicle on
22 the public highways has been suspended pursuant to section 28-3306,
23 subsection A, paragraph 5 or section 28-3314 may apply for a new license as
24 provided by law after the cause for suspension is removed or after expiration
25 of the suspension period prescribed by law if both of the following
26 conditions are met:

27 1. The department is satisfied, after reviewing the medical condition
28 and driving ability of the person, that it is safe to grant the person the
29 privilege of driving a motor vehicle on the public highways.

30 2. If the person has a medical condition related to alcohol or other
31 drugs, the person provides the department with a current evaluation form from
32 a physician licensed pursuant to title 32, chapter 13, 17 or 29, a
33 psychologist licensed pursuant to title 32, chapter 19.1 or a certified
34 substance abuse counselor as defined in section 28-3005 indicating that, in
35 the opinion of the physician, psychologist or counselor, the condition does
36 not affect or impair the person's ability to operate a motor vehicle in a
37 safe manner.

38 Sec. 15. Section 28-3319, Arizona Revised Statutes, is amended to
39 read:

40 28-3319. Action after license suspension, revocation or denial
41 for driving under the influence or refusal of test;
42 certified ignition interlock devices; definition

43 A. If pursuant to section 28-1321, 28-1381, 28-1382 or 28-1383 the
44 license of a driver or the driving privilege of a nonresident is suspended or
45 revoked, the department shall not terminate the suspension or revocation

1 until the person provides proof of financial responsibility pursuant to
2 chapter 9, article 3 of this title.

3 B. If pursuant to section 28-1321, 28-1381, 28-1382 or 28-1383 an
4 unlicensed resident is denied a license or permit to operate a motor vehicle,
5 the department shall not issue a license or permit until the person provides
6 proof of financial responsibility pursuant to chapter 9, article 3 of this
7 title.

8 C. If a person whose license or driving privilege is suspended or
9 revoked pursuant to section 28-1321, 28-1381, 28-1382 or 28-1383 is ordered,
10 pursuant to section 28-1381, 28-1382 or 28-1383, to attend alcohol or other
11 drug screening, education or treatment, the department shall not either:

12 1. Terminate the suspension until the person provides proof from the
13 treatment facility that the person has completed or is participating
14 satisfactorily in alcohol or other drug screening, education or treatment.

15 2. Issue a new license to operate a motor vehicle after the revocation
16 until the person provides proof from the facility that the person has
17 completed the court ordered program.

18 D. ON RECEIPT OF A REPORT OF CONVICTION FROM A COURT, THE DEPARTMENT
19 SHALL REQUIRE ANY MOTOR VEHICLE THE CONVICTED PERSON OPERATES TO BE EQUIPPED
20 WITH A CERTIFIED IGNITION INTERLOCK DEVICE FOR TWELVE MONTHS IF ANY OF THE
21 FOLLOWING APPLIES:

22 1. THE DEPARTMENT DETERMINES THAT WITHIN A PERIOD OF SIXTY MONTHS A
23 PERSON IS CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF SECTION 28-1381
24 WITH A PRIOR CONVICTION OF A VIOLATION OF SECTION 28-1381 OR 28-1382 OR AN
25 ACT IN ANOTHER JURISDICTION THAT IF COMMITTED IN THIS STATE WOULD BE A
26 VIOLATION OF SECTION 28-1381 OR 28-1382.

27 2. THE CONVICTION IS FOR A VIOLATION OF SECTION 28-1382.

28 3. THE CONVICTION IS FOR A VIOLATION OF SECTION 28-1383, SUBSECTION A,
29 PARAGRAPH 1 OR 2 OR PARAGRAPH 3, SUBDIVISION (b).

30 E. THE TWELVE MONTH PERIOD PRESCRIBED IN SUBSECTION D OF THIS SECTION
31 BEGINS ON THE CONCLUSION OF THE PERSON'S LICENSE SUSPENSION OR REVOCATION OR
32 ON THE DATE OF CONVICTION, WHICHEVER OCCURS LATER.

33 F. A PERSON WHO IS REQUIRED TO EQUIP A MOTOR VEHICLE WITH A CERTIFIED
34 IGNITION INTERLOCK DEVICE PURSUANT TO SUBSECTION D OF THIS SECTION SHALL
35 COMPLY WITH CHAPTER 4, ARTICLE 5 OF THIS TITLE.

36 G. FOR THE PURPOSES OF THIS SECTION, "CERTIFIED IGNITION INTERLOCK
37 DEVICE" HAS THE SAME MEANING PRESCRIBED IN SECTION 28-1301.

38 Sec. 16. Title 28, chapter 8, article 6, Arizona Revised Statutes, is
39 amended by adding section 28-3322, to read:

40 28-3322. Suspension of license for persons eighteen, nineteen
41 and twenty years of age; definition

42 A. IN ADDITION TO THE GROUNDS FOR MANDATORY REVOCATION PROVIDED FOR IN
43 CHAPTERS 3, 4 AND 5 OF THIS TITLE, THE DEPARTMENT SHALL IMMEDIATELY SUSPEND
44 THE DRIVER LICENSE OR PRIVILEGE TO DRIVE OR REFUSE TO ISSUE A DRIVER LICENSE
45 OR PRIVILEGE TO DRIVE OF A PERSON WHO COMMITS A VIOLATION OF SECTION 4-244,

1 PARAGRAPH 33 WHILE THE PERSON IS EIGHTEEN, NINETEEN OR TWENTY YEARS OF AGE ON
2 RECEIPT OF THE RECORD OF THE PERSON'S CONVICTION FOR A VIOLATION OF SECTION
3 4-244, PARAGRAPH 33 FOR A PERIOD OF TWO YEARS.

4 B. IF ORDERED BY THE COURT, THE DEPARTMENT SHALL RESTRICT THE PERSON'S
5 PRIVILEGE TO DRIVE BETWEEN THE PERSON'S HOME, SCHOOL AND PLACE OF EMPLOYMENT
6 DURING SPECIFIED PERIODS OF TIME ACCORDING TO THE PERSON'S SCHOOL AND
7 EMPLOYMENT SCHEDULE.

8 C. FOR THE PURPOSES OF THIS SECTION, "CONVICTION" MEANS A FINAL
9 CONVICTION OR JUDGMENT, INCLUDING AN ORDER OF THE JUVENILE COURT FINDING THAT
10 A JUVENILE VIOLATED ANY PROVISION OF THIS TITLE OR COMMITTED A DELINQUENT ACT
11 THAT IF COMMITTED BY AN ADULT WOULD CONSTITUTE A CRIMINAL OFFENSE.