

REFERENCE TITLE: teenage drivers; communication devices prohibited

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

SB 1080

Introduced by
Senators Fann: Bowie, Brophy McGee, Farley, Worsley

AN ACT

AMENDING SECTIONS 28-3154 AND 28-3174, ARIZONA REVISED STATUTES; RELATING
TO DRIVER LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-3154, Arizona Revised Statutes, is amended to
3 read:

4 28-3154. Instruction permit for a class D or G license

5 A. A person who is at least fifteen years and six months of age may
6 apply to the department for an instruction permit for a class D or G
7 license. The department may issue an instruction permit to the applicant
8 after the applicant successfully passes all parts of the examination other
9 than the driving test.

10 B. The instruction permit entitles the permittee to drive a motor
11 vehicle requiring a class D or G license on the public highways for twelve
12 months when both of the following conditions are met:

13 1. The permittee has the permit in the permittee's immediate
14 possession.

15 2. The permittee is accompanied by a person who has a class A, B, C
16 or D license, who is at least twenty-one years of age and who occupies a
17 seat beside the permittee.

18 C. A PERMITTEE MAY NOT DRIVE A MOTOR VEHICLE WHILE USING A WIRELESS
19 COMMUNICATION DEVICE FOR ANY REASON EXCEPT DURING AN EMERGENCY IN WHICH
20 STOPPING THE MOTOR VEHICLE IS IMPOSSIBLE OR WILL CREATE AN ADDITIONAL
21 EMERGENCY OR SAFETY HAZARD. A PEACE OFFICER MAY NOT STOP OR ISSUE A
22 CITATION TO A PERSON OPERATING A MOTOR VEHICLE ON A HIGHWAY IN THIS STATE
23 FOR A VIOLATION OF THIS SUBSECTION UNLESS THE PEACE OFFICER HAS REASONABLE
24 CAUSE TO BELIEVE THERE IS ANOTHER ALLEGED VIOLATION OF A MOTOR VEHICLE LAW
25 OF THIS STATE.

26 Sec. 2. Section 28-3174, Arizona Revised Statutes, is amended to
27 read:

28 28-3174. Class G driver licenses; restrictions; civil
29 penalties; motorcycles

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

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

33 2. The person has a valid instruction permit issued pursuant to
34 this article and the person has held the instruction permit for at least
35 six months, except that this requirement does not apply to a person who
36 has a currently valid driver license issued by another jurisdiction.

37 3. Either:

38 (a) The person has satisfactorily completed a driver education
39 program that is approved by the department of transportation. If the
40 driver education program is offered by a public high school, the program
41 shall be approved by the department of transportation in consultation with
42 the department of education.

43 (b) A custodial parent or guardian of the person certifies in
44 writing to the department that the applicant has completed at least thirty

1 hours of supervised driving practice and that at least ten of the required
2 practice hours were at night.

3 B. If the applicant successfully passes the examination prescribed
4 in section 28-3164 and satisfies the requirements prescribed in subsection
5 A of this section, the department may issue a class G driver license to
6 the applicant.

7 C. Except as provided in subsection D of this section, a class G
8 driver license entitles the licensee to drive a motor vehicle that
9 requires a class G license on the public highways.

10 D. Except as provided in subsection ~~J~~ K of this section, for the
11 first six months that a class G licensee holds the license, the licensee
12 shall not drive a motor vehicle on a public highway from 12:00 a.m. to
13 5:00 a.m. unless either:

14 1. The licensee is accompanied by a parent or legal guardian who
15 has a class A, B, C or D license and who occupies a seat beside the class
16 G licensee.

17 2. The licensee is driving directly to or from a sanctioned school
18 sponsored activity, the licensee's place of employment, a sanctioned
19 religious activity or a family emergency.

20 E. Except as provided in this subsection and subsection ~~J~~ K of
21 this section, for the first six months that a class G licensee holds the
22 license, the licensee shall not drive a motor vehicle on a public highway
23 at any time if the licensee is driving a motor vehicle containing more
24 than one passenger under the age of eighteen. This restriction does not:

25 1. Prohibit the licensee from driving a motor vehicle containing
26 passengers under the age of eighteen if the passengers are the licensee's
27 siblings.

28 2. Apply if the licensee is accompanied by a parent or legal
29 guardian who has a class A, B, C or D license and who occupies a seat
30 beside the class G licensee.

31 F. EXCEPT AS PROVIDED IN SUBSECTION K OF THIS SECTION, FOR THE
32 FIRST SIX MONTHS THAT A CLASS G LICENSEE HOLDS THE LICENSE, THE LICENSEE
33 MAY NOT DRIVE A MOTOR VEHICLE WHILE USING A WIRELESS COMMUNICATION DEVICE
34 FOR ANY REASON EXCEPT DURING AN EMERGENCY IN WHICH STOPPING THE MOTOR
35 VEHICLE IS IMPOSSIBLE OR WILL CREATE AN ADDITIONAL EMERGENCY OR SAFETY
36 HAZARD.

37 ~~F~~ G. A peace officer shall not stop or issue a citation to a
38 person operating a motor vehicle on a highway in this state for a
39 violation of subsection D, ~~H~~ E OR F of this section unless the peace
40 officer has reasonable cause to believe there is another alleged violation
41 of a motor vehicle law of this state.

42 ~~G~~ H. If a licensee is found responsible for violating subsection
43 D, ~~H~~ E OR F of this section, the licensee:

44 1. For a first violation, is subject to a maximum civil penalty of
45 seventy-five dollars. The department shall extend the restriction

1 prescribed by subsection D, ~~or~~ E OR F of this section for thirty days, or
2 if the restriction prescribed by subsection D, ~~or~~ E OR F of this section
3 is complete, the thirty day restriction begins on the department's receipt
4 of the report of the finding of responsibility.

5 2. For a second violation, is subject to a maximum civil penalty of
6 one hundred dollars. The department shall extend the restriction
7 prescribed by subsection D, ~~or~~ E OR F of this section for sixty days, or
8 if the restriction prescribed by subsection D, ~~or~~ E OR F of this section
9 is complete, the sixty day restriction begins on the department's receipt
10 of the report of the finding of responsibility. If at the time of the
11 second violation the licensee is subject to an extension of the six month
12 period pursuant to paragraph 1 of this subsection, the extensions run
13 consecutively.

14 3. For a third or subsequent violation, is subject to a maximum
15 civil penalty of one hundred dollars. On the department's receipt of the
16 report of the finding of responsibility, the department shall suspend the
17 licensee's driving privilege for thirty days. If the licensee also has a
18 suspension resulting from a moving civil traffic violation or a moving
19 criminal traffic offense as prescribed by section 28-3321, the suspensions
20 run consecutively.

21 ~~H.~~ I. A citation issued for violating subsection D of this section
22 shall be dismissed if the licensee to whom the citation was issued
23 produces any of the following evidence to the appropriate court officer on
24 or before the date and time specified on the citation for court appearance
25 and in a manner specified by the court:

26 1. A written, notarized letter from the parent or legal guardian of
27 the licensee that the licensee was going to or returning from a sanctioned
28 school sponsored activity, the licensee's place of employment, a
29 sanctioned religious activity or a family emergency.

30 2. A written, notarized letter from a representative of the
31 sanctioned school sponsored activity certifying that the licensee was
32 returning from the school activity.

33 3. A written, notarized letter from the licensee's employer
34 certifying that the licensee was returning from the licensee's place of
35 employment.

36 4. A written, notarized letter from a representative of the
37 sanctioned religious activity certifying that the licensee was returning
38 from the religious activity.

39 ~~I.~~ J. A citation issued for violating subsection E of this section
40 shall be dismissed if the licensee to whom the citation was issued
41 produces a written, notarized letter from the parent or legal guardian of
42 the licensee to the appropriate court officer on or before the date and
43 time specified on the citation for court appearance and in a manner
44 specified by the court that states the passengers in the vehicle with the
45 licensee at the time of the violation were the siblings of the licensee.

1 ~~J~~ K. The restrictions imposed by subsection D, ~~or~~ E OR F of this
2 section do not apply beginning on the licensee's eighteenth birthday. Any
3 penalties or restrictions imposed pursuant to subsection ~~G~~ H of this
4 section shall be fully satisfied even if the licensee is eighteen years of
5 age or older.

6 ~~K~~ L. A person who holds a class G driver license may apply for a
7 class D license on or after the person's eighteenth birthday, except that
8 a person whose class G driver license is suspended pursuant to section
9 28-3321 is not entitled to receive a class D driver license until after
10 the suspension period expires.

11 ~~L~~ M. If a person who is under eighteen years of age and at least
12 sixteen years of age applies for a class M license or a motorcycle
13 endorsement, the department shall not issue the class M license or
14 motorcycle endorsement to the person unless both of the following apply:

15 1. The applicant has held an instruction permit issued pursuant to
16 section 28-3156 for at least six months, except that this requirement does
17 not apply to a person who has a currently valid motorcycle driver license
18 or endorsement issued by another jurisdiction.

19 2. Either:

20 (a) The person has satisfactorily completed a motorcycle driver
21 education program that is approved by the department. If the driver
22 education program is offered by a public high school, the program shall be
23 approved by the department of transportation in consultation with the
24 department of education.

25 (b) A custodial parent or guardian of the person certifies in
26 writing to the department that the applicant has completed at least thirty
27 hours of motorcycle driving practice.

28 Sec. 3. Effective date

29 Sections 28-3154 and 28-3174, Arizona Revised Statutes, as amended
30 by this act, are effective from and after June 30, 2018.