

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

CHAPTER 166
SENATE BILL 1287

AN ACT

AMENDING SECTIONS 28-101, 28-364, 28-442, 28-448, 28-1321, 28-1385, 28-2158, 28-2356, 28-3306, 28-3318, 28-4133 AND 28-4147, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT OF TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-101, Arizona Revised Statutes, is amended to
3 read:

4 28-101. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Alcohol" means any substance containing any form of alcohol,
7 including ethanol, methanol, propynol and isopropynol.

8 2. "Alcohol concentration" if expressed as a percentage means
9 either:

10 (a) The number of grams of alcohol per one hundred milliliters of
11 blood.

12 (b) The number of grams of alcohol per two hundred ten liters of
13 breath.

14 3. "All-terrain vehicle" means either of the following:

15 (a) A motor vehicle that satisfies all of the following:

16 (i) Is designed primarily for recreational nonhighway all-terrain
17 travel.

18 (ii) Is fifty or fewer inches in width.

19 (iii) Has an unladen weight of one thousand two hundred pounds or
20 less.

21 (iv) Travels on three or more nonhighway tires.

22 (v) Is operated on a public highway.

23 (b) A recreational off-highway vehicle that satisfies all of the
24 following:

25 (i) Is designed primarily for recreational nonhighway all-terrain
26 travel.

27 (ii) Is sixty-five or fewer inches in width.

28 (iii) Has an unladen weight of one thousand eight hundred pounds or
29 less.

30 (iv) Travels on four or more nonhighway tires.

31 4. "Authorized emergency vehicle" means any of the following:

32 (a) A fire department vehicle.

33 (b) A police vehicle.

34 (c) An ambulance or emergency vehicle of a municipal department or
35 public service corporation that is designated or authorized by the
36 department or a local authority.

37 (d) Any other ambulance, fire truck or rescue vehicle that is
38 authorized by the department in its sole discretion and that meets
39 liability insurance requirements prescribed by the department.

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

1 6. "Aviation fuel" means all flammable liquids composed of a
2 mixture of selected hydrocarbons expressly manufactured and blended for
3 the purpose of effectively and efficiently operating an internal
4 combustion engine for use in an aircraft but does not include fuel for jet
5 or turbine powered aircraft.

6 7. "Bicycle" means a device, including a racing wheelchair, that is
7 propelled by human power and on which a person may ride and that has
8 either:

9 (a) Two tandem wheels, either of which is more than sixteen inches
10 in diameter.

11 (b) Three wheels in contact with the ground, any of which is more
12 than sixteen inches in diameter.

13 8. "Board" means the transportation board.

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

16 10. "Business district" means the territory contiguous to and
17 including a highway if there are buildings in use for business or
18 industrial purposes within any six hundred feet along the highway,
19 including hotels, banks or office buildings, railroad stations and public
20 buildings that occupy at least three hundred feet of frontage on one side
21 or three hundred feet collectively on both sides of the highway.

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

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

28 13. "Combination of vehicles" means a truck or truck tractor and
29 semitrailer and any trailer that it tows but does not include a forklift
30 designed for the purpose of loading or unloading the truck, trailer or
31 semitrailer.

32 14. "Controlled substance" means a substance so classified under
33 section 102(6) of the controlled substances act (21 United States Code
34 section 802(6)) and includes all substances listed in schedules I through
35 V of 21 Code of Federal Regulations part 1308.

36 15. "Conviction" means:

37 (a) An unvacated adjudication of guilt or a determination that a
38 person violated or failed to comply with the law in a court of original
39 jurisdiction or by an authorized administrative tribunal.

40 (b) An unvacated forfeiture of bail or collateral deposited to
41 secure the person's appearance in court.

42 (c) A plea of guilty or no contest accepted by the court.

43 (d) The payment of a fine or court costs.

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

1 17. "Dealer" means a person who is engaged in the business of
2 buying, selling or exchanging motor vehicles, trailers or semitrailers and
3 who has an established place of business and has paid fees pursuant to
4 section 28-4302.

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

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

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

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

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

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

17 24. "Electric personal assistive mobility device" means a
18 self-balancing device with one wheel or two nontandem wheels and an
19 electric propulsion system that limits the maximum speed of the device to
20 fifteen miles per hour or less and that is designed to transport only one
21 person.

22 25. "EVIDENCE" INCLUDES BOTH OF THE FOLLOWING:

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

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

30 ~~25.~~ 26. "Farm" means any lands primarily used for agriculture
31 production.

32 ~~26.~~ 27. "Farm tractor" means a motor vehicle designed and used
33 primarily as a farm implement for drawing implements of husbandry.

34 ~~27.~~ 28. "Foreign vehicle" means a motor vehicle, trailer or
35 semitrailer that is brought into this state other than in the ordinary
36 course of business by or through a manufacturer or dealer and that has not
37 been registered in this state.

38 ~~28.~~ 29. "Golf cart" means a motor vehicle that has not less than
39 three wheels in contact with the ground, that has an unladen weight of
40 less than one thousand eight hundred pounds, that is designed to be and is
41 operated at not more than twenty-five miles per hour and that is designed
42 to carry not more than four persons including the driver.

43 ~~29.~~ 30. "Hazardous material" means a material, and its mixtures or
44 solutions, that the United States department of transportation determines
45 under 49 Code of Federal Regulations is, or any quantity of a material

1 listed as a select agent or toxin under 42 Code of Federal Regulations
2 part 73 that is, capable of posing an unreasonable risk to health, safety
3 and property if transported in commerce and that is required to be
4 placarded or marked as required by the department's safety rules
5 prescribed pursuant to chapter 14 of this title.

6 ~~30.~~ 31. "Implement of husbandry" means a vehicle that is designed
7 primarily for agricultural purposes and that is used exclusively in the
8 conduct of agricultural operations, including an implement or vehicle
9 whether self-propelled or otherwise that meets both of the following
10 conditions:

11 (a) Is used solely for agricultural purposes including the
12 preparation or harvesting of cotton, alfalfa, grains and other farm crops.

13 (b) Is only incidentally operated or moved on a highway whether as
14 a trailer or self-propelled unit. For the purposes of this subdivision,
15 "incidentally operated or moved on a highway" means travel between a farm
16 and another part of the same farm, from one farm to another farm or
17 between a farm and a place of repair, supply or storage.

18 ~~31.~~ 32. "Limousine" means a motor vehicle providing prearranged
19 ground transportation service for an individual passenger, or a group of
20 passengers, that is arranged in advance or is operated on a regular route
21 or between specified points and includes ground transportation under a
22 contract or agreement for services that includes a fixed rate or time and
23 is provided in a motor vehicle with a seating capacity not exceeding
24 fifteen passengers including the driver.

25 ~~32.~~ 33. "Livery vehicle" means a motor vehicle that:

26 (a) Has a seating capacity not exceeding fifteen passengers
27 including the driver.

28 (b) Provides passenger services for a fare determined by a flat
29 rate or flat hourly rate between geographic zones or within a geographic
30 area.

31 (c) Is available for hire on an exclusive or shared ride basis.

32 (d) May do any of the following:

33 (i) Operate on a regular route or between specified places.

34 (ii) Offer prearranged ground transportation service as defined in
35 section 28-141.

36 (iii) Offer on demand ground transportation service pursuant to a
37 contract with a public airport, licensed business entity or organization.

38 ~~33.~~ 34. "Local authority" means any county, municipal or other
39 local board or body exercising jurisdiction over highways under the
40 constitution and laws of this state.

41 ~~34.~~ 35. "Manufacturer" means a person engaged in the business of
42 manufacturing motor vehicles, trailers or semitrailers.

43 ~~35.~~ 36. "Moped" means a bicycle that is equipped with a helper
44 motor if the vehicle has a maximum piston displacement of fifty cubic
45 centimeters or less, a brake horsepower of one and one-half or less and a

1 maximum speed of twenty-five miles per hour or less on a flat surface with
2 less than a one percent grade.

3 ~~39.~~ 37. "Motorcycle" means a motor vehicle that has a seat or
4 saddle for the use of the rider and that is designed to travel on not more
5 than three wheels in contact with the ground but excludes a tractor and a
6 moped.

7 ~~36.~~ 38. "Motor driven cycle" means a motorcycle, including every
8 motor scooter, with a motor that produces not more than five horsepower.

9 ~~40.~~ 39. "Motorized quadricycle" means a self-propelled motor
10 vehicle to which all of the following apply:

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

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

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

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

19 (e) The vehicle is a commercial motor vehicle as defined in section
20 28-5201.

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

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

25 (h) The vehicle complies with the definition and standards for
26 low-speed vehicles set forth in federal motor vehicle safety standard 500
27 and 49 Code of Federal Regulations sections 571.3(b) and 571.500,
28 respectively.

29 ~~37.~~ 40. "Motor vehicle":

30 (a) Means either:

31 (i) A self-propelled vehicle.

32 (ii) For the purposes of the laws relating to the imposition of a
33 tax on motor vehicle fuel, a vehicle that is operated on the highways of
34 this state and that is propelled by the use of motor vehicle fuel.

35 (b) Does not include a motorized wheelchair, an electric personal
36 assistive mobility device or a motorized skateboard. For the purposes of
37 this subdivision:

38 (i) "Motorized skateboard" means a self-propelled device that has a
39 motor, a deck on which a person may ride and at least two tandem wheels in
40 contact with the ground.

41 (ii) "Motorized wheelchair" means a self-propelled wheelchair that
42 is used by a person for mobility.

43 ~~38.~~ 41. "Motor vehicle fuel" includes all products that are
44 commonly or commercially known or sold as gasoline, including casinghead
45 gasoline, natural gasoline and all flammable liquids, and that are

1 composed of a mixture of selected hydrocarbons expressly manufactured and
2 blended for the purpose of effectively and efficiently operating internal
3 combustion engines. Motor vehicle fuel does not include inflammable
4 liquids that are specifically manufactured for racing motor vehicles and
5 that are distributed for and used by racing motor vehicles at a racetrack,
6 use fuel as defined in section 28-5601, aviation fuel, fuel for jet or
7 turbine powered aircraft or the mixture created at the interface of two
8 different substances being transported through a pipeline, commonly known
9 as transmix.

10 ~~41.~~ 42. "Neighborhood electric vehicle" means a self-propelled
11 electrically powered motor vehicle to which all of the following apply:

12 (a) The vehicle is emission free.

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

15 (c) The vehicle complies with the definition and standards for
16 low-speed vehicles set forth in federal motor vehicle safety standard 500
17 and 49 Code of Federal Regulations sections 571.3(b) and 571.500,
18 respectively.

19 ~~42.~~ 43. "Nonresident" means a person who is not a resident of this
20 state as defined in section 28-2001.

21 ~~43.~~ 44. "Off-road recreational motor vehicle" means a motor
22 vehicle that is designed primarily for recreational nonhighway all-terrain
23 travel and that is not operated on a public highway. Off-road
24 recreational motor vehicle does not mean a motor vehicle used for
25 construction, building trade, mining or agricultural purposes.

26 ~~44.~~ 45. "Operator" means a person who drives a motor vehicle on a
27 highway, who is in actual physical control of a motor vehicle on a highway
28 or who is exercising control over or steering a vehicle being towed by a
29 motor vehicle.

30 ~~45.~~ 46. "Owner" means:

31 (a) A person who holds the legal title of a vehicle.

32 (b) If a vehicle is the subject of an agreement for the conditional
33 sale or lease with the right of purchase on performance of the conditions
34 stated in the agreement and with an immediate right of possession vested
35 in the conditional vendee or lessee, the conditional vendee or lessee.

36 (c) If a mortgagor of a vehicle is entitled to possession of the
37 vehicle, the mortgagor.

38 ~~46.~~ 47. "Pedestrian" means any person afoot. A person who uses an
39 electric personal assistive mobility device or a manual or motorized
40 wheelchair is considered a pedestrian unless the manual wheelchair
41 qualifies as a bicycle. For the purposes of this paragraph, "motorized
42 wheelchair" means a self-propelled wheelchair that is used by a person for
43 mobility.

44 ~~47.~~ 48. "Power sweeper" means an implement, with or without motive
45 power, that is only incidentally operated or moved on a street or highway

1 and that is designed for the removal of debris, dirt, gravel, litter or
2 sand whether by broom, vacuum or regenerative air system from asphaltic
3 concrete or cement concrete surfaces, including parking lots, highways,
4 streets and warehouses, and a vehicle on which the implement is
5 permanently mounted.

6 ~~48.~~ 49. "Public transit" means the transportation of passengers on
7 scheduled routes by means of a conveyance on an individual passenger
8 fare-paying basis excluding transportation by a sightseeing bus, school
9 bus or taxi or a vehicle not operated on a scheduled route basis.

10 ~~49.~~ 50. "Reconstructed vehicle" means a vehicle that has been
11 assembled or constructed largely by means of essential parts, new or used,
12 derived from vehicles or makes of vehicles of various names, models and
13 types or that, if originally otherwise constructed, has been materially
14 altered by the removal of essential parts or by the addition or
15 substitution of essential parts, new or used, derived from other vehicles
16 or makes of vehicles. For the purposes of this paragraph, "essential
17 parts" means integral and body parts, the removal, alteration or
18 substitution of which will tend to conceal the identity or substantially
19 alter the appearance of the vehicle.

20 ~~50.~~ 51. "Residence district" means the territory contiguous to and
21 including a highway not comprising a business district if the property on
22 the highway for a distance of three hundred feet or more is in the main
23 improved with residences or residences and buildings in use for business.

24 ~~51.~~ 52. "Right-of-way" when used within the context of the
25 regulation of the movement of traffic on a highway means the privilege of
26 the immediate use of the highway. Right-of-way when used within the
27 context of the real property on which transportation facilities and
28 appurtenances to the facilities are constructed or maintained means the
29 lands or interest in lands within the right-of-way boundaries.

30 ~~52.~~ 53. "School bus" means a motor vehicle that is designed for
31 carrying more than ten passengers and that is either:

32 (a) Owned by any public or governmental agency or other institution
33 and operated for the transportation of children to or from home or school
34 on a regularly scheduled basis.

35 (b) Privately owned and operated for compensation for the
36 transportation of children to or from home or school on a regularly
37 scheduled basis.

38 ~~53.~~ 54. "Semitrailer" means a vehicle that is with or without
39 motive power, other than a pole trailer, that is designed for carrying
40 persons or property and for being drawn by a motor vehicle and that is
41 constructed so that some part of its weight and that of its load rests on
42 or is carried by another vehicle. For the purposes of this paragraph,
43 "pole trailer" has the same meaning prescribed in section 28-601.

44 ~~54.~~ 55. "State" means a state of the United States and the
45 District of Columbia.

1 ~~55.~~ 56. "State highway" means a state route or portion of a state
2 route that is accepted and designated by the board as a state highway and
3 that is maintained by the state.

4 ~~56.~~ 57. "State route" means a right-of-way whether actually used
5 as a highway or not that is designated by the board as a location for the
6 construction of a state highway.

7 ~~57.~~ 58. "Street" or "highway" means the entire width between the
8 boundary lines of every way if a part of the way is open to the use of the
9 public for purposes of vehicular travel.

10 ~~58.~~ 59. "Taxi" means a motor vehicle that has a seating capacity
11 not exceeding fifteen passengers, including the driver, that provides
12 passenger services and that:

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

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

18 ~~59.~~ 60. "Title transfer form" means a paper or an electronic form
19 that is prescribed by the department for the purpose of transferring a
20 certificate of title from one owner to another owner.

21 ~~60.~~ 61. "Traffic survival school" means a school that offers
22 educational sessions to drivers who are required to attend and
23 successfully complete educational sessions pursuant to this title that are
24 designed to improve the safety and habits of drivers and that are approved
25 by the department.

26 ~~61.~~ 62. "Trailer" means a vehicle that is with or without motive
27 power, other than a pole trailer, that is designed for carrying persons or
28 property and for being drawn by a motor vehicle and that is constructed so
29 that no part of its weight rests on the towing vehicle. A semitrailer
30 equipped with an auxiliary front axle commonly known as a dolly is deemed
31 to be a trailer. For the purposes of this paragraph, "pole trailer" has
32 the same meaning prescribed in section 28-601.

33 ~~62.~~ 63. "Transportation network company" has the same meaning
34 prescribed in section 28-9551.

35 ~~63.~~ 64. "Transportation network company vehicle" has the same
36 meaning prescribed in section 28-9551.

37 ~~64.~~ 65. "Transportation network service" has the same meaning
38 prescribed in section 28-9551.

39 ~~65.~~ 66. "Truck" means a motor vehicle designed or used primarily
40 for the carrying of property other than the effects of the driver or
41 passengers and includes a motor vehicle to which has been added a box, a
42 platform or other equipment for such carrying.

1 ~~66.~~ 67. "Truck tractor" means a motor vehicle that is designed and
2 used primarily for drawing other vehicles and that is not constructed to
3 carry a load other than a part of the weight of the vehicle and load
4 drawn.

5 ~~67.~~ 68. "Vehicle" means a device in, on or by which a person or
6 property is or may be transported or drawn on a public highway, excluding
7 devices moved by human power or used exclusively on stationary rails or
8 tracks.

9 ~~68.~~ 69. "Vehicle transporter" means either:

10 (a) A truck tractor capable of carrying a load and drawing a
11 semitrailer.

12 (b) A truck tractor with a stinger-steered fifth wheel capable of
13 carrying a load and drawing a semitrailer or a truck tractor with a dolly
14 mounted fifth wheel that is securely fastened to the truck tractor at two
15 or more points and that is capable of carrying a load and drawing a
16 semitrailer.

17 Sec. 2. Section 28-364, Arizona Revised Statutes, is amended to
18 read:

19 ~~28-364.~~ Powers of the director

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

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

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

38 D. The director of the department of transportation in consultation
39 with the director of the department of public safety shall develop
40 procedures to exchange information for any purpose related to sections
41 28-1324, 28-1325, 28-1326, 28-1462 and 28-3318.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 28-442. Records; evidence

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

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

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

3 28-448. Notice of address or name change; address update;
4 civil traffic violation; definition

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

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

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

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

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

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

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

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

34 28-1321. Implied consent; tests; refusal to submit to test;
35 order of suspension; hearing; review; temporary
36 permit; notification of suspension; special
37 ignition interlock restricted driver license

38 A. A person who operates a motor vehicle in this state gives
39 consent, subject to section 4-244, paragraph 34 or section 28-1381,
40 28-1382 or 28-1383, to a test or tests of the person's blood, breath,
41 urine or other bodily substance for the purpose of determining alcohol
42 concentration or drug content if the person is arrested for any offense
43 arising out of acts alleged to have been committed in violation of this
44 chapter or section 4-244, paragraph 34 while the person was driving or in
45 actual physical control of a motor vehicle while under the influence of

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

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

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

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

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

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

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

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

38 1. The test shall not be given, except as provided in section
39 28-1388, subsection E or pursuant to a search warrant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 H. The order for suspension shall:

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

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

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

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

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

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

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

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

7 2. The person was placed under arrest.

8 3. The person refused to submit to the test.

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

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

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

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

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

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

1 license pursuant to section 28-1401. Unless the certified ignition
2 interlock period is extended by the department pursuant to section
3 28-1461, a person who is issued a special ignition interlock restricted
4 driver license as provided in this subsection shall maintain a functioning
5 certified ignition interlock device in compliance with this chapter during
6 the remaining period of the suspension prescribed by this section. This
7 subsection does not apply to a person whose driving privilege is suspended
8 for a second or subsequent refusal within a period of eighty-four months.

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

11 28-1385. Administrative license suspension for driving under
12 the influence or for homicide or assault involving
13 a motor vehicle; report; hearing; summary review;
14 ignition interlock device requirement

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

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

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

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

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

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

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

39 1. Information that adequately identifies the arrested person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 2. Whether the person was placed under arrest for a violation of
30 section 4-244, paragraph 34, section 28-1381, section 28-1382 or section
31 28-1383 or for a violation of title 13, chapter 11 or section 13-1201 or
32 13-1204 involving a motor vehicle.

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

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

37 (i) 0.08 or more.

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

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

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

44 5. Whether the test results were accurately evaluated.

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

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

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

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

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

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

40 28-2158. Registration card

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

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

- 3 1. The date it is issued.
- 4 2. The registration number assigned to the owner and the vehicle.
- 5 3. The name and address of the owner.
- 6 4. A description of the registered vehicle, including the serial
7 number.
- 8 5. The amount of fees paid for registration of the vehicle.

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

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

16 28-2356. Transfer of license plates to another vehicle;
17 credit

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

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

- 27 1. The owner makes proper application to the director or to an
28 authorized third party ~~pursuant to chapter 13 of this title~~.
- 29 2. The owner agrees to allow the department to deduct a twelve
30 dollar processing fee from the amount of the ~~refund or~~ credit.

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

- 35 ~~1. The other vehicle is of the same vehicle type.~~
- 36 ~~2. The owner is applying the available credit for the fees and~~
37 ~~taxes to one other vehicle the owner owns or acquires.~~
- 38 ~~3. If the available credit exceeds the amount required to pay the~~
39 ~~fees and taxes, the department shall issue a refund for the remaining~~
40 ~~amount of credit as prescribed in this section. The department shall not~~
41 ~~charge an additional twelve dollar fee pursuant to subsection B of this~~
42 ~~section for issuing a refund under this paragraph.~~

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

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

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

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

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

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

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

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

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

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

37 ~~F.~~ E. If the owner of a registered vehicle transfers the vehicle
38 to another person but does not ~~transfer the license plates to another~~
39 ~~vehicle, surrender the license plates to the department or an authorized~~
40 ~~third party or submit an affidavit of license plate destruction~~ APPLY FOR
41 A CREDIT within thirty days of the transfer as required by section
42 28-2058, the unexpired portion of the fees and taxes shall ~~decrement~~
43 DECREASE pursuant to subsection D of this section until the owner ~~either~~
44 ~~surrenders the license plates to the department or an authorized third~~

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

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

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

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

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

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

30 28-3306. Discretionary license suspension or revocation;
31 traffic survival school; hearing

32 A. The department may suspend or revoke the license of a driver or
33 require a licensee to attend and successfully complete approved traffic
34 survival school educational sessions designed to improve the safety and
35 habits of drivers on a showing by department records or other sufficient
36 evidence that the licensee:

37 1. Has committed an offense for which mandatory revocation of the
38 license is required on conviction.

39 2. Has been involved as a driver in an accident resulting in the
40 death or personal injury of another or serious property damage.

41 3. Has been convicted of or adjudged to have violated traffic
42 regulations governing the movement of vehicles with such a frequency that
43 it indicates a disrespect for traffic laws and a disregard for the safety
44 of other persons on the highways.

- 1 4. Has been convicted of reckless driving as provided in section
2 28-693 or is a habitually reckless or negligent driver of a motor vehicle.
- 3 5. Is medically, psychologically or physically incapable of
4 operating a motor vehicle and, based on law enforcement, medical or other
5 department information, the continued operation of a motor vehicle by the
6 licensee would endanger the public health, safety and welfare.
- 7 6. Has committed or permitted an act involving an unlawful or
8 fraudulent use of the license.
- 9 7. Has committed an offense in another jurisdiction that if
10 committed in this state is grounds for suspension or revocation.
- 11 8. Has been convicted of a violation of section 28-1381 or 28-1382.
- 12 9. Has been convicted of a violation of section 28-1464.
- 13 B. On receipt of satisfactory evidence of a violation of a driver
14 license restriction, the department may suspend or revoke the driver
15 license.
- 16 C. On suspending or revoking the license of a person or requiring a
17 licensee to attend and successfully complete approved traffic survival
18 school educational sessions designed to improve the safety and habits of
19 drivers pursuant to this section, the department shall notify the licensee
20 in writing immediately.
- 21 D. On the receipt of the person's request for a hearing, the
22 department shall set the hearing within sixty days. The department may
23 hold the hearing in person, by telephone or by videoconference. If the
24 department holds the hearing in person, the department shall hold the
25 hearing in the county where the licensee resides unless the law
26 enforcement agency issuing the citation or affidavit that authorizes the
27 suspension or revocation requests at the time of issuance that the hearing
28 be held in the county where the violation allegedly occurred.
- 29 E. If a hearing is held, the department or its duly authorized
30 agent may administer oaths, may issue subpoenas for the attendance of
31 witnesses and the production of relevant books and papers and may require
32 a reexamination of the licensee.
- 33 F. At the hearing, the department shall either rescind its order of
34 suspension or its order requiring the licensee to attend and successfully
35 complete approved traffic survival school educational sessions or, if good
36 cause exists, the department may uphold or extend the order, revoke the
37 license or make any order that is within its discretionary power under
38 this section and that is in the interest of public safety.
- 39 G. If a licensee receives notice requiring the licensee to attend
40 and successfully complete approved traffic survival school educational
41 sessions and the department receives information of noncompliance with
42 this order, the department may amend the order to suspend or revoke the
43 license.
- 44 H. A person whose driver license is suspended or revoked as
45 provided in subsection A, paragraph 5 of this section may submit a written

1 request to the department for an administrative hearing. The person shall
2 submit the request for a hearing within fifteen days after the department
3 provides the person with notice of suspension or revocation. On receipt
4 of a proper request for a hearing, the department shall provide the person
5 with an opportunity for a hearing in the county where the person resides
6 within thirty days after the department receives the request. The request
7 for a hearing does not stay a summary suspension issued by the department.

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

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

16 28-3318. Service of notice; definitions

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

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

23 2. Required attendance at training and education sessions.

24 B. The department may include additional information in the
25 written, ELECTRONIC OR DIGITAL notice developed in consultation with the
26 director of the department of public safety as prescribed in section
27 28-1462 regarding certified ignition interlock devices.

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

35 D. Service of the notice provided by this section is complete on
36 mailing. The department shall provide further service of notice only if
37 the department is notified of a change of address pursuant to section
38 28-448.

39 E. Compliance with the mailing provisions of this section
40 constitutes notice of the suspension, revocation, cancellation,
41 disqualification or certified ignition interlock device limitation for
42 purposes of prosecution under section 28-1383, ~~28-3473~~ OR
43 28-3473. The state is not required to prove actual receipt of the notice
44 or actual knowledge of the suspension, revocation, cancellation,
45 disqualification or certified ignition interlock device limitation.

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

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

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

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

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

13 28-4133. Insurance identification cards; documentary
14 evidence; exception

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

19 B. The card shall state that:

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

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

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

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

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

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

33 ~~2.~~ 3. For the purpose of verifying insurance coverage, the mailing
34 address and telephone number of the insurer or an authorized agent of the
35 insurer.

36 ~~3.~~ 4. In order to accurately verify insurance coverage, other
37 information as required by the department of transportation.

38 ~~4.~~ 5. If a binder is issued by an authorized agent of an insurer,
39 the name, address and telephone number of the agent.

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

1 Sec. 12. Section 28-4147, Arizona Revised Statutes, is amended to
2 read:

3 28-4147. Service of notice; definition

4 A. The department shall send written notice to the owner or lessee
5 of a motor vehicle registered pursuant to chapter 7 of this title of any
6 suspension or any financial responsibility verification. The department
7 shall send the notice ELECTRONICALLY OR DIGITALLY, by mail to the address
8 provided to the department on the registration application or pursuant to
9 section 28-448. Service of notice is complete on mailing.

10 B. FOR THE PURPOSES OF THIS SECTION, "MAIL" OR "MAILING" MEANS
11 DELIVERY BY FIRST CLASS OR CERTIFIED MAIL OR THROUGH A DEPARTMENT
12 ELECTRONIC OR DIGITAL SYSTEM.

13 Sec. 13. Effective date

14 Section 28-2356, Arizona Revised Statutes, as amended by this act,
15 is effective from and after August 31, 2019.

APPROVED BY THE GOVERNOR APRIL 10, 2018.

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