

REFERENCE TITLE: driver licenses; authorized presence repeal

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1228

Introduced by
Senator Quezada

AN ACT

AMENDING SECTION 28-3153, 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 28-3153, Arizona Revised Statutes, is amended to
3 read:

4 28-3153. Driver license issuance; prohibitions

5 A. The department shall not issue the following:

6 1. A driver license to a person who is under eighteen years of age,
7 except that the department may issue:

8 (a) A restricted instruction permit for a class D or G license to a
9 person who is at least fifteen years of age.

10 (b) An instruction permit for a class D, G or M license as provided
11 by this chapter to a person who is at least fifteen years and six months
12 of age.

13 (c) A class G or M license as provided by this chapter to a person
14 who is at least sixteen years of age.

15 2. A class D, G or M license or instruction permit to a person who
16 is under eighteen years of age and who has been tried in adult court and
17 convicted of a second or subsequent violation of criminal damage to
18 property pursuant to section 13-1602, subsection A, paragraph 1 or
19 convicted of a felony offense in the commission of which a motor vehicle
20 is used, including theft of a motor vehicle pursuant to section 13-1802,
21 unlawful use of means of transportation pursuant to section 13-1803 or
22 theft of means of transportation pursuant to section 13-1814, or who has
23 been adjudicated delinquent for a second or subsequent act that would
24 constitute criminal damage to property pursuant to section 13-1602,
25 subsection A, paragraph 1 or adjudicated delinquent for an act that would
26 constitute a felony offense in the commission of which a motor vehicle is
27 used, including theft of a motor vehicle pursuant to section 13-1802,
28 unlawful use of means of transportation pursuant to section 13-1803 or
29 theft of means of transportation pursuant to section 13-1814, if committed
30 by an adult.

31 3. A class A, B or C license to a person who is under twenty-one
32 years of age, except that the department may issue a class A, B or C
33 license that is restricted to only intrastate driving to a person who is
34 at least eighteen years of age.

35 4. A license to a person whose license or driving privilege has
36 been suspended, during the suspension period.

37 5. Except as provided in section 28-3315, a license to a person
38 whose license or driving privilege has been revoked.

39 6. A class A, B or C license to a person who has been disqualified
40 from obtaining a commercial driver license.

41 7. A license to a person who on application notifies the department
42 that the person is an alcoholic as defined in section 36-2021 or a drug
43 dependent person as defined in section 36-2501, unless the person submits
44 a medical examination report that includes a current evaluation from a
45 substance abuse counselor indicating that, in the opinion of the

1 counselor, the condition does not affect or impair the person's ability to
2 safely operate a motor vehicle.

3 8. A license to a person who has been adjudged to be incapacitated
4 pursuant to section 14-5304 and who at the time of application has not
5 obtained either a court order that allows the person to drive or a
6 termination of incapacity as provided by law.

7 9. A license to a person who is required by this chapter to take an
8 examination unless the person successfully passes the examination.

9 10. A license to a person who is required under the motor vehicle
10 financial responsibility laws of this state to deposit proof of financial
11 responsibility and who has not deposited the proof.

12 11. A license to a person if the department has good cause to
13 believe that the operation of a motor vehicle on the highways by the
14 person would threaten the public safety or welfare.

15 12. A license to a person whose driver license has been ordered to
16 be suspended for failure to pay child support, except that a noncommercial
17 restricted license may be issued pursuant to section 25-518.

18 13. A class A, B or C license to a person whose license or driving
19 privilege has been canceled until the cause for the cancellation has been
20 removed.

21 14. A class A, B or C license or instruction permit to a person
22 whose state of domicile is not this state.

23 15. A class A, B or C license to a person who fails to demonstrate
24 proficiency in the English language as determined by the department.

25 B. The department shall not issue a driver license to or renew the
26 driver license of the following persons:

27 1. A person about whom the court notifies the department that the
28 person violated the person's written promise to appear in court when
29 charged with a violation of the motor vehicle laws of this state until the
30 department receives notification in a manner approved by the department
31 that the person appeared either voluntarily or involuntarily or that the
32 case has been adjudicated, that the case is being appealed or that the
33 case has otherwise been disposed of as provided by law.

34 2. If notified pursuant to section 28-1601, a person who fails to
35 pay a civil penalty as provided in section 28-1601, except for a parking
36 violation, until the department receives notification in a manner approved
37 by the department that the person paid the civil penalty, that the case is
38 being appealed or that the case has otherwise been disposed of as provided
39 by law.

40 C. The magistrate or the clerk of the court shall provide the
41 notification to the department prescribed by subsection B of this section.

42 ~~D. Notwithstanding any other law, the department shall not issue to~~
43 ~~or renew a driver license or nonoperating identification license for a~~
44 ~~person who does not submit proof satisfactory to the department that the~~
45 ~~applicant's presence in the United States is authorized under federal law.~~

1 ~~For an application for a driver license or a nonoperating identification~~
2 ~~license, the department shall not accept as a primary source of~~
3 ~~identification a driver license issued by a state if the state does not~~
4 ~~require that a driver licensed in that state be lawfully present in the~~
5 ~~United States under federal law. The director shall adopt rules necessary~~
6 ~~to carry out the purposes of this subsection. The rules shall include~~
7 ~~procedures for:~~
8 ~~1. Verification that the applicant's presence in the United States~~
9 ~~is authorized under federal law.~~
10 ~~2. Issuance of a temporary driver permit pursuant to section~~
11 ~~28-3157 pending verification of the applicant's status in the United~~
12 ~~States.~~