

REFERENCE TITLE: **moving violations; injured pedestrians; penalties**

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2419

Introduced by
Representative Gress

AN ACT

AMENDING SECTION 28-672, ARIZONA REVISED STATUTES; RELATING TO VEHICLE ACCIDENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-672, Arizona Revised Statutes, is amended to
3 read:
4 28-672. Causing serious physical injury or death by a moving
5 violation; time limitation; penalties; violation;
6 classification; definition
7 A. A person is guilty of causing serious physical injury or death
8 by a moving violation if the person violates any one of the following and
9 the violation results in an accident causing serious physical injury or
10 death to another person:
11 1. Section 28-645, subsection A, paragraph 3, subdivision (a).
12 2. Section 28-710.
13 3. Section 28-729.
14 4. Section 28-771.
15 5. Section 28-772.
16 6. Section 28-773.
17 7. Section 28-792.
18 8. Section 28-794.
19 9. Section 28-797, subsection F, G, H or I.
20 10. Section 28-855, subsection B.
21 11. Section 28-857, subsection A.
22 12. Section 28-914.
23 B. A person who violates this section shall attend and successfully
24 complete traffic survival school educational sessions that are designed to
25 improve the safety and habits of drivers, ~~and~~ that are approved by the
26 department **AND THAT INCLUDE EDUCATIONAL INFORMATION RELATING TO THE RIGHTS**
27 **OF PEDESTRIANS, MOTORCYCLE OPERATORS AND BICYCLE OPERATORS PURSUANT TO**
28 **THIS CHAPTER.** In addition, the court may order the person to perform
29 community restitution.
30 C. The court shall report a conviction for a violation of this
31 section to the department and:
32 1. For a first violation of this section, shall direct the
33 department to suspend the person's driving privilege or restrict the
34 person's driving privilege as described in section 28-144 for:
35 (a) At least ninety days and not more than one hundred eighty days
36 if the violation results in serious physical injury. ~~and~~
37 (b) **EXCEPT AS PROVIDED IN SUBDIVISION (c) OF THIS PARAGRAPH,** at
38 least one hundred eighty days and not more than one year if the violation
39 results in death.
40 (c) **AT LEAST ONE YEAR IF THE VIOLATION RESULTS IN DEATH TO A**
41 **PEDESTRIAN, MOTORCYCLE OPERATOR OR BICYCLIST.**
42 2. For a second or subsequent violation of this section within a
43 period of thirty-six months, shall direct the department to suspend the
44 person's driving privilege for:
45 (a) One hundred eighty days if the violation results in serious
46 physical injury. ~~and~~

1 (b) EXCEPT AS PROVIDED IN SUBDIVISION (c) OF THIS PARAGRAPH, one
2 year if the violation results in death.

3 (c) AT LEAST EIGHTEEN MONTHS IF THE VIOLATION RESULTS IN THE DEATH
4 OF A PEDESTRIAN, MOTORCYCLE OPERATOR OR BICYCLIST.

5 D. If a person's driving privilege is suspended pursuant to any
6 other statute because of an incident involving a violation of this
7 section, the suspension period prescribed in subsection C of this section
8 shall run consecutively with the other suspension period.

9 E. If a person fails to successfully complete traffic survival
10 school educational sessions or perform community restitution pursuant to
11 this section, the court shall notify the department and the department
12 shall promptly suspend the driver license or permit of the driver or the
13 privilege of a nonresident to drive a motor vehicle in this state until
14 the order is satisfied.

15 F. If the person who suffers serious physical injury as a result of
16 a violation of this section appears before the court in which the action
17 is pending at any time before trial and acknowledges receipt of
18 satisfaction for the injury, on payment of the costs incurred, the court
19 shall order that the prosecution be dismissed and the defendant be
20 discharged. The reasons for the order shall be set forth and entered of
21 record, and the order shall be a bar to another prosecution for the same
22 offense.

23 G. Restitution awarded pursuant to section 13-603 as a result of a
24 violation of this section shall not exceed \$100,000.

25 H. A prosecution for a violation of this section must be commenced
26 within two years after actual discovery of the offense by the state or the
27 political subdivision having jurisdiction or discovery by the state or the
28 political subdivision that should have occurred with the exercise of
29 reasonable diligence, whichever first occurs.

30 I. A person who violates this section is guilty of a class 1
31 misdemeanor EXCEPT THAT IF THE VIOLATION RESULTS IN:

32 1. SERIOUS PHYSICAL INJURY TO A PEDESTRIAN, MOTORCYCLE OPERATOR OR
33 BICYCLIST, THE PERSON IS GUILTY OF A CLASS 6 FELONY AND IS SUBJECT TO
34 BOTH:

35 (a) A FINE OF AT LEAST \$1,500.

36 (b) AT LEAST THIRTY DAYS OF HOUSE ARREST.

37 2. THE DEATH OF A PEDESTRIAN, MOTORCYCLE OPERATOR OR BICYCLIST, THE
38 PERSON IS GUILTY OF A CLASS 5 FELONY AND IS SUBJECT TO BOTH:

39 (a) A FINE OF AT LEAST \$5,000.

40 (b) AT LEAST ONE HUNDRED EIGHTY DAYS OF HOUSE ARREST.

41 J. For the purposes of this section, "serious physical injury" has
42 the same meaning prescribed in section 13-105.

43 Sec. 2. Short title

44 This act may be cited as "Kong's Law".