

REFERENCE TITLE: licenses; not proof of citizenship.

State of Arizona
House of Representatives
Fifty-sixth Legislature
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2023

HB 2604

Introduced by
Representatives Hernandez L: Aguilar, Austin, Blattman, Bravo, Contreras
L, Hernandez A, Hernandez C, Hernandez M, Longdon, Ortiz, Sandoval,
Schwiebert, Sun, Travers, Senators Diaz, Fernandez, Hernandez, Miranda

AN ACT

AMENDING SECTIONS 28-3153, 28-3158 AND 28-3165, ARIZONA REVISED STATUTES;
AMENDING TITLE 28, CHAPTER 8, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 28-3176; RELATING TO DRIVER AND NONOPERATING IDENTIFICATION
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.~~

13 Sec. 2. Section 28-3158, Arizona Revised Statutes, is amended to
14 read:

15 28-3158. Driver license or instruction permit application

16 A. A person who applies for an instruction permit or for a driver
17 license shall use a form furnished by the department.

18 B. An applicant shall pay the fee prescribed by section 28-3002 for
19 a driver license or for an instruction permit issued under section
20 28-3154, 28-3155, 28-3156 or 28-3225. The department shall refund an
21 application fee pursuant to section 28-373.

22 C. An applicant for an instruction permit or a driver license shall
23 give the department satisfactory proof of the applicant's full legal name,
24 date of birth, sex and domicile residence address in this state, if the
25 applicant has a residence address, ~~and that the applicant's presence in~~
26 ~~the United States is authorized under federal law.~~

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

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

31 2. Whether the applicant has been licensed, and if so, the type of
32 license issued, when the license was issued and what state or country
33 issued the license.

34 3. If the applicant was never licensed, the applicant's last
35 previous state or country of residence.

36 4. The social security number **OR INDIVIDUAL TAXPAYER IDENTIFICATION**
37 **NUMBER** of the applicant.

38 E. The department shall:

39 1. Verify that a social security number **OR INDIVIDUAL TAXPAYER**
40 **IDENTIFICATION NUMBER** provided by an applicant is a valid number assigned
41 to that applicant.

42 2. Retain the social security number **OR INDIVIDUAL TAXPAYER**
43 **IDENTIFICATION NUMBER** in its records.

44 F. The social security number **OR INDIVIDUAL TAXPAYER IDENTIFICATION**
45 **NUMBER** provided to the department pursuant to subsection D of this section

1 for an applicant's driver license or instruction permit shall not appear
2 on an applicant's driver license or instruction permit unless the
3 applicant requests that the social security number OR INDIVIDUAL TAXPAYER
4 IDENTIFICATION NUMBER appear on the applicant's driver license or
5 instruction permit as the driver license or instruction permit number.
6 Except as provided in sections 28-455 and 41-1954, the department shall
7 not release the social security number OR INDIVIDUAL TAXPAYER
8 IDENTIFICATION NUMBER to any person unless the applicant requests that the
9 social security number OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER appear
10 on the applicant's driver license or instruction permit as the driver
11 license or instruction permit number. The provisions of this subsection
12 shall be included in each application.

13 ~~G. The department may adopt and implement procedures to deny a~~
14 ~~driver license or instruction permit to a person who has been deported.~~
15 ~~The department may adopt and implement procedures to reinstate a person's~~
16 ~~privilege to apply for a driver license or permit if the person's legal~~
17 ~~presence status is restored.~~

18 ~~H.~~ G. On request of an applicant, the department shall allow the
19 applicant to provide on the license or permit a post office box address
20 that is regularly used by the applicant.

21 ~~I.~~ H. The department may request an applicant who appears in
22 person for a license, a duplicate license or reinstatement of a driving
23 privilege to complete satisfactorily the vision screening prescribed by
24 the department.

25 ~~J.~~ I. If a driver license applicant submits satisfactory proof to
26 the department that the applicant is a veteran, on request of the
27 applicant, the department shall allow a distinguishing mark to appear on
28 the license that identifies the person as a veteran.

29 Sec. 3. Section 28-3165, Arizona Revised Statutes, is amended to
30 read:

31 28-3165. Nonoperating identification license; immunity;
32 rules; emancipated minors; definition

33 A. On receipt of an application from a person who does not have a
34 valid driver license issued by this state or whose driving privilege is
35 suspended, the department shall issue a nonoperating identification
36 license that contains a distinguishing number assigned to the licensee,
37 the full legal name, the date of birth, the residence address and a brief
38 description of the licensee and either a facsimile of the signature of the
39 licensee or a space on which the licensee is required to write the
40 licensee's usual signature with pen and ink. A nonoperating
41 identification license that is issued to a person whose driving privilege
42 is suspended shall not be valid for more than one hundred eighty days from
43 the date of issuance.

1 B. On request of an applicant:

2 1. The department shall allow the applicant to provide on the
3 nonoperating identification license a post office box address that is
4 regularly used by the applicant.

5 2. If the applicant submits satisfactory proof to the department
6 that the applicant is a veteran, the department shall allow a
7 distinguishing mark to appear on the nonoperating identification license
8 that identifies that person as a veteran.

9 C. A person who is issued a license pursuant to this section shall
10 use it only for identification purposes of the licensee. The nonoperating
11 identification license does not grant authority to operate a motor vehicle
12 in this state. The department shall clearly label the nonoperating
13 identification license "for identification only, not for operation of a
14 motor vehicle".

15 D. On issuance of a driver license, the holder of a nonoperating
16 identification license shall surrender the nonoperating identification
17 license to the department and the department shall not refund any fee paid
18 for the issuance of the nonoperating identification license.

19 E. A nonoperating identification license shall contain the
20 photograph of the licensee. The department shall use a process in the
21 issuance of nonoperating identification licenses that prohibits as nearly
22 as possible the ability to superimpose a photograph on the license without
23 ready detection. The department shall process nonoperating identification
24 licenses and photo attachments in color.

25 F. On application, an applicant shall give the department
26 satisfactory proof of the applicant's full legal name, date of birth, sex
27 and residence address, if the applicant has a residence address, ~~and that~~
28 ~~the applicant's presence in the United States is authorized under federal~~
29 ~~law.~~ The application shall briefly describe the applicant, state whether
30 the applicant has been licensed, and if so, the type of license issued,
31 when and by what state or country and whether any such license is under
32 suspension, revocation or cancellation. The application shall contain
33 other identifying information required by the department.

34 ~~G. The department may adopt and implement procedures to deny a~~
35 ~~nonoperating identification license to a person who has been deported.~~
36 ~~The department may adopt and implement procedures to reinstate a person's~~
37 ~~privilege to apply for a nonoperating identification license if the~~
38 ~~person's legal presence status is restored.~~

39 ~~H.~~ G. A nonoperating identification license issued by the
40 department is solely for the use and convenience of the applicant for
41 identification purposes.

42 ~~I.~~ H. The department shall adopt rules and establish fees for
43 issuance of a nonoperating identification license, except that the
44 department shall not require an examination.

1 ~~I.~~ I. The fees established pursuant to this section do not apply
2 to any of the following:

- 3 1. A person who is sixty-five years of age or older.
- 4 2. A person who is a recipient of public monies as an individual
5 with a disability under title XVI of the social security act, as amended.
- 6 3. A veteran who does not have a residence address.
- 7 4. A veteran whose residence address is the address of a shelter
8 that provides services to the homeless.
- 9 5. A child WHO IS in the custody of the department of child safety.

10 ~~K.~~ J. If a person qualifies for a nonoperating identification
11 license and is under the legal drinking age, the department shall issue a
12 license that is marked by color, code or design to immediately distinguish
13 it from a nonoperating identification license issued to a person of legal
14 drinking age. The department shall indicate on the nonoperating
15 identification license issued pursuant to this subsection the year in
16 which the person will attain the legal drinking age.

17 ~~L.~~ K. If a minor has been emancipated pursuant to title 12,
18 chapter 15, on application and proof of emancipation, the department shall
19 issue a nonoperating identification license that contains the words
20 "emancipated minor".

21 ~~M.~~ L. Notwithstanding any other law, if an applicant for a
22 nonoperating identification license is at least sixteen years of age and
23 either does not have a residence address or is in the department of child
24 safety's custody, the applicant does not need a signature of the
25 applicant's parent, guardian, foster parent or employer.

26 ~~N.~~ M. For the purposes of this section, "veteran" has the same
27 meaning prescribed in section 41-601.

28 Sec. 4. Title 28, chapter 8, article 4, Arizona Revised Statutes,
29 is amended by adding section 28-3176, to read:

30 28-3176. Licenses; not proof of citizenship
31 POSSESSION OF A DRIVER LICENSE, AN INSTRUCTION PERMIT OR A
32 NONOPERATING IDENTIFICATION LICENSE ISSUED PURSUANT TO THIS CHAPTER IS NOT
33 PROOF OF CITIZENSHIP.