

REFERENCE TITLE: licenses; not proof of citizenship

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SB 1587**

Introduced by

Senators Miranda: Alston, Burch, Diaz, Epstein, Fernandez, Gonzales,  
Hernandez, Mendez, Sundareshan, Terán; Representatives Cano, De Los  
Santos, Hernandez L, Ortiz, Quiñonez, Salman, Sandoval, Sun, Travers

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.