

REFERENCE TITLE: licenses; tax number; consular cards.

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SB 1642

Introduced by
Senators Hernandez: Alston, Bravo, Fernandez, Hatathlie, Mendez,
Sundareshan

AN ACT

AMENDING SECTIONS 28-440, 28-3153, 28-3158, 28-3166 AND 28-3171, ARIZONA
REVISED STATUTES; 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 28-440, Arizona Revised Statutes, is amended to
3 read:

4 28-440. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Bulk records" means multiple records that are retrieved
7 collectively from the department's database as a result of a single
8 request. Bulk records does not include retrieving one record at a time
9 from a single request.

10 2. "CONSULAR IDENTIFICATION CARD" HAS THE SAME MEANING PRESCRIBED
11 IN SECTION 41-5001.

12 ~~2.~~ 3. "Duplicate" means a counterpart produced by any of the
13 following:

- 14 (a) The same impression or from the same matrix as the original.
- 15 (b) Means of photography, including enlargements and miniatures.
- 16 (c) Mechanical or electronic rerecording.
- 17 (d) Chemical reproduction.
- 18 (e) Any other equivalent technique that accurately reproduces the
19 original.

20 ~~3.~~ 4. "Electronic signature" means an electronic sound, symbol or
21 process attached to or logically associated with a document and executed
22 or adopted by a person with the intent to sign the document.

23 ~~4.~~ 5. "Express consent" means consent in writing, including
24 consent that is conveyed electronically and that bears an electronic
25 signature.

26 ~~5.~~ 6. "Highly restricted personal information" means an
27 individual's photograph or image, social security number, INDIVIDUAL
28 TAXPAYER IDENTIFICATION NUMBER, CONSULAR IDENTIFICATION CARD NUMBER and
29 medical or disability information.

30 ~~6.~~ 7. "Insurance support organization" has the same meaning
31 prescribed in section 20-2102.

32 ~~7.~~ 8. "Medical or disability information" means a restriction or
33 medical code placed on a person's motor vehicle record pursuant to section
34 28-3159, subsection A, paragraph 1 or section 28-3167.

35 ~~8.~~ 9. "Motor vehicle record" means any record that pertains to a
36 driver license or permit, vehicle registration, vehicle title or
37 identification document issued by the department or its duly authorized
38 third parties, agents or contractors that are authorized to issue any of
39 those documents.

40 ~~9.~~ 10. "Opt in" means a customer of the department has provided
41 express consent to the department to allow the release of the customer's
42 personal information, including highly restricted personal information, in
43 a form prescribed by the director.

1 ~~10.~~ 11. "Original":

2 (a) Of a record means the record itself or any counterpart intended
3 to have the same effect by the person executing or issuing it.

4 (b) Of a photograph means the negative or a print from the
5 negative.

6 (c) Of data stored in a computer or similar device means a printout
7 or other output that is readable by sight and that is shown to reflect the
8 data accurately.

9 ~~11.~~ 12. "Personal information" means information that identifies
10 an individual and that includes an individual's photograph, social
11 security number, driver identification number, name, address, telephone
12 number and medical or disability information. Personal information does
13 not include an individual's five-digit zip code and information about
14 vehicular accidents, driving violations and driver status.

15 ~~12.~~ 13. "Photographs" includes still photographs, x-ray films,
16 videotapes, motion pictures and digitized electronic images.

17 ~~13.~~ 14. "Records" has the same meaning prescribed in section
18 41-151.

19 ~~14.~~ 15. "Vehicle history report" means a report that is developed
20 to track the registration and total loss history of a particular vehicle
21 and includes odometer readings and brand codes, title brand codes and any
22 related vehicle data. Vehicle history report does not include names and
23 addresses.

24 Sec. 2. Section 28-3153, Arizona Revised Statutes, is amended to
25 read:

26 ~~28-3153.~~ Driver license issuance; prohibitions

27 A. The department shall not issue the following:

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

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

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

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

37 2. A class D, G or M license or instruction permit to a person who
38 is under eighteen years of age and who has been tried in adult court and
39 convicted of a second or subsequent violation of criminal damage to
40 property pursuant to section 13-1602, subsection A, paragraph 1 or
41 convicted of a felony offense in the commission of which a motor vehicle
42 is used, including theft of a motor vehicle pursuant to section 13-1802,
43 unlawful use of means of transportation pursuant to section 13-1803 or
44 theft of means of transportation pursuant to section 13-1814, or who has
45 been adjudicated delinquent for a second or subsequent act that would

1 constitute criminal damage to property pursuant to section 13-1602,
2 subsection A, paragraph 1 or adjudicated delinquent for an act that would
3 constitute a felony offense in the commission of which a motor vehicle is
4 used, including theft of a motor vehicle pursuant to section 13-1802,
5 unlawful use of means of transportation pursuant to section 13-1803 or
6 theft of means of transportation pursuant to section 13-1814, if committed
7 by an adult.

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

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

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

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

18 7. A license to a person who on application notifies the department
19 that the person is an alcoholic as defined in section 36-2021 or a drug
20 dependent person as defined in section 36-2501, unless the person submits
21 a medical examination report that includes a current evaluation from a
22 substance abuse counselor indicating that, in the opinion of the
23 counselor, the condition does not affect or impair the person's ability to
24 safely operate a motor vehicle.

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

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

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

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

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

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

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

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

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

5 1. A person about whom the court notifies the department that the
6 person violated the person's written promise to appear in court when
7 charged with a violation of the motor vehicle laws of this state until the
8 department receives notification in a manner approved by the department
9 that the person appeared either voluntarily or involuntarily or that the
10 case has been adjudicated, that the case is being appealed or that the
11 case has otherwise been disposed of as provided by law.

12 2. If notified pursuant to section 28-1601, a person who fails to
13 pay a civil penalty as provided in section 28-1601, except for a parking
14 violation, until the department receives notification in a manner approved
15 by the department that the person paid the civil penalty, that the case is
16 being appealed or that the case has otherwise been disposed of as provided
17 by law.

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

20 ~~D. Notwithstanding any other law, the department shall not issue to
21 or renew a driver license or nonoperating identification license for a
22 person who does not submit proof satisfactory to the department that the
23 applicant's presence in the United States is authorized under federal law.
24 For an application for a driver license or a nonoperating identification
25 license, the department shall not accept as a primary source of
26 identification a driver license issued by a state if the state does not
27 require that a driver licensed in that state be lawfully present in the
28 United States under federal law. The director shall adopt rules necessary
29 to carry out the purposes of this subsection. The rules shall include
30 procedures for:~~

31 ~~1. Verification that the applicant's presence in the United States
32 is authorized under federal law.~~

33 ~~2. Issuance of a temporary driver permit pursuant to section
34 28-3157 pending verification of the applicant's status in the United
35 States.~~

36 Sec. 3. Section 28-3158, Arizona Revised Statutes, is amended to
37 read:

38 28-3158. Driver license or instruction permit application

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

41 B. An applicant shall pay the fee prescribed by section 28-3002 for
42 a driver license or for an instruction permit issued under section
43 28-3154, 28-3155, 28-3156 or 28-3225. The department shall refund an
44 application fee pursuant to section 28-373.

1 C. An applicant for an instruction permit or a driver license shall
2 give the department satisfactory proof of the applicant's full legal name,
3 date of birth, sex and domicile residence address in this state, if the
4 applicant has a residence address, ~~and that the applicant's presence in~~
5 ~~the United States is authorized under federal law~~ AND SHALL GIVE THE
6 DEPARTMENT THE APPLICANT'S SOCIAL SECURITY NUMBER, INDIVIDUAL TAXPAYER
7 IDENTIFICATION NUMBER OR CONSULAR IDENTIFICATION CARD NUMBER.

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

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

12 2. Whether the applicant has been licensed, and if so, the type of
13 license issued, when the license was issued and what state or country
14 issued the license.

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

17 4. The social security number, INDIVIDUAL TAXPAYER IDENTIFICATION
18 NUMBER OR CONSULAR IDENTIFICATION CARD NUMBER of the applicant.

19 E. The department shall:

20 1. Verify that a social security number, INDIVIDUAL TAXPAYER
21 IDENTIFICATION NUMBER OR CONSULAR IDENTIFICATION CARD NUMBER provided by
22 an applicant is a valid number assigned to that applicant.

23 2. Retain the social security number, INDIVIDUAL TAXPAYER
24 IDENTIFICATION NUMBER OR CONSULAR IDENTIFICATION CARD NUMBER in its
25 records.

26 F. The social security number, INDIVIDUAL TAXPAYER IDENTIFICATION
27 NUMBER OR CONSULAR IDENTIFICATION CARD NUMBER provided to the department
28 pursuant to subsection D of this section for an applicant's driver license
29 or instruction permit shall not appear on an applicant's driver license or
30 instruction permit unless the applicant requests that the social security
31 number, INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER OR CONSULAR
32 IDENTIFICATION CARD NUMBER appear on the applicant's driver license or
33 instruction permit as the driver license or instruction permit number.
34 Except as provided in sections 28-455 and 41-1954, the department shall
35 not release the social security number, INDIVIDUAL TAXPAYER IDENTIFICATION
36 NUMBER OR CONSULAR IDENTIFICATION CARD NUMBER to any person unless the
37 applicant requests that the social security number, INDIVIDUAL TAXPAYER
38 IDENTIFICATION NUMBER OR CONSULAR IDENTIFICATION CARD NUMBER appear on the
39 applicant's driver license or instruction permit as the driver license or
40 instruction permit number. The provisions of this subsection shall be
41 included in each application.

42 ~~G. The department may adopt and implement procedures to deny a~~
43 ~~driver license or instruction permit to a person who has been deported.~~
44 ~~The department may adopt and implement procedures to reinstate a person's~~

1 ~~privilege to apply for a driver license or permit if the person's legal~~
2 ~~presence status is restored.~~

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

6 ~~F.~~ H. The department may request an applicant who appears in
7 person for a license, a duplicate license or reinstatement of a driving
8 privilege to complete satisfactorily the vision screening prescribed by
9 the department.

10 ~~J.~~ I. If a driver license applicant submits satisfactory proof to
11 the department that the applicant is a veteran, on request of the
12 applicant, the department shall allow a distinguishing mark to appear on
13 the license that identifies the person as a veteran.

14 Sec. 4. Section 28-3166, Arizona Revised Statutes, is amended to
15 read:

16 28-3166. Driver license content and application; marked
17 licenses; emancipated minors

18 A. The department shall issue a driver license to a qualified
19 applicant. The driver license shall contain a distinguishing number
20 assigned to the licensee, the license class, any endorsements, the
21 licensee's full name, date of birth and residence address, if the licensee
22 has a residence address, a brief description of the licensee and either a
23 facsimile of the signature of the licensee or a space on which the
24 licensee is required to write the licensee's usual signature with pen and
25 ink. A driver license is not valid until it is signed by the licensee.
26 On request of an applicant:

27 1. The department shall allow the applicant to provide on the
28 driver license a post office box address that is regularly used by the
29 applicant and that is located in the county in which the applicant
30 resides.

31 2. If the applicant submits satisfactory proof to the department
32 that the applicant is a veteran, the department shall allow a
33 distinguishing mark to appear on the license that identifies the person as
34 a veteran.

35 B. An application for a driver license and the driver license
36 issued shall contain the photo image of the applicant or licensee. **WHEN**
37 **ISSUING A DRIVER LICENSE**, the department shall use a process ~~in the~~
38 ~~issuance of driver licenses~~ that prohibits as nearly as possible the
39 ability to alter or reproduce the license or that prohibits the ability to
40 superimpose a photo image on the license without ready detection. The
41 department shall process driver licenses and photo images in color.

42 C. An applicant who is at least sixteen but under twenty-four years
43 of age shall provide the department with satisfactory proof of the
44 applicant's legal name and date of birth.

1 D. If a person is qualified for a driver license and is under the
2 legal drinking age, the department shall issue a license that is marked by
3 color, code or design to immediately distinguish it from a license issued
4 to a person of legal drinking age. The department shall indicate on the
5 driver license issued pursuant to this subsection the year in which the
6 person will attain the legal drinking age.

7 E. The department shall mark a special ignition interlock
8 restricted driver license issued pursuant to chapter 4, article 3.1 of
9 this title by color, code or design to immediately distinguish it from
10 other licenses issued by the department.

11 F. If a person is qualified for a driver license but is subject to
12 the certified ignition interlock device limitations prescribed in section
13 28-1381, 28-1382, 28-1383 or 28-3319, the department shall issue a license
14 that is marked by color, code or design to immediately distinguish it from
15 other licenses issued by the department.

16 G. The department shall not include information in the magnetic
17 stripe and bar code of a driver license other than information that the
18 department is authorized to obtain and place on a driver license pursuant
19 to this article.

20 H. If a minor has been emancipated pursuant to title 12, chapter
21 15, on application and proof of emancipation, the department shall issue a
22 driver license that contains the words "emancipated minor".

23 I. IF A PERSON IS QUALIFIED FOR A DRIVER LICENSE AND DOES NOT
24 PROVIDE A SOCIAL SECURITY NUMBER TO THE DEPARTMENT ON THE DRIVER LICENSE
25 OR INSTRUCTION PERMIT APPLICATION PURSUANT TO SECTION 28-3158, THE
26 DEPARTMENT SHALL ISSUE A DRIVER LICENSE THAT CONTAINS THE WORDS "FOR
27 DRIVING PRIVILEGES ONLY. NOT VALID FOR IDENTIFICATION."

28 Sec. 5. Section 28-3171, Arizona Revised Statutes, is amended to
29 read:

30 28-3171. Driver license expiration and renewal; exception;
31 extension

32 A. Except as provided in subsection B, D, ~~E~~ E OR F of this section
33 and unless medical restrictions require a shorter expiration period, a
34 driver license is either of the following:

- 35 1. Valid until the applicant's sixty-fifth birthday.
- 36 2. Renewable for successive periods of five years after the
37 applicant's sixtieth birthday.

38 B. Notwithstanding subsection A of this section AND EXCEPT AS
39 PROVIDED IN SUBSECTION F OF THIS SECTION, on presentation of satisfactory
40 proof of qualification, the director may issue a class D, G or M license
41 or permit for a period of up to five years to:

- 42 1. A person who is an out-of-state student or who is the spouse of
43 an out-of-state student. For the purposes of this paragraph,
44 "out-of-state student" has the same meaning prescribed in section 28-2001.

1 2. An immediate family member of any active duty military personnel
2 temporarily stationed in this state.

3 3. Any other person for whom the director determines other
4 circumstances justify the issuance.

5 C. An applicant shall apply for renewal of a driver license before
6 the expiration of a current license. The department may require an
7 examination of a renewal applicant for a class D, G or M license as
8 required of an original applicant.

9 D. A veteran, as defined in section 41-601, whose driver license
10 expires is not required to renew the veteran's driver license for six
11 months after the date of the veteran's discharge from military service.

12 E. The department may extend the expiration date of a class D or M
13 license for a resident if the applicant is not in this state at the time
14 the license expires and will not be in this state for at least thirty
15 consecutive days after the expiration of the driver license. On payment
16 by the applicant of the fee prescribed in section 28-3002, the department
17 shall issue a certificate of extension that is valid only if accompanied
18 by the applicant's previous license. An applicant for extension of a
19 license shall comply with the following:

20 1. The application requirements of section 28-3158.

21 2. The licensing requirements of section 28-3153.

22 3. Medical requirements applicable to all license applicants,
23 except that the applicant is not required to obtain an eyesight
24 examination.

25 F. A DRIVER LICENSE IS VALID FOR A PERIOD OF EIGHT YEARS IF THE
26 DRIVER LICENSE APPLICANT DOES NOT PROVIDE THE APPLICANT'S SOCIAL SECURITY
27 NUMBER ON THE DRIVER LICENSE APPLICATION.

28 Sec. 6. Short title

29 This act may be cited as the "Safe Mobility Act".