



Arizona State Senate Issue Brief

October 16, 2008

Note to Reader:

The Senate Research Staff provides nonpartisan, objective legislative research, policy analysis and related assistance to the members of the Arizona State Senate. The *Research Briefs* series, which includes the *Issue Brief*, *Background Brief* and *Issue Paper*, is intended to introduce a reader to various legislatively related issues and provide useful resources to assist the reader in learning more on a given topic. Because of frequent legislative and executive activity, topics may undergo frequent changes. Additionally, nothing in the *Brief* should be used to draw conclusions on the legality of an issue.

ARIZONA'S TEENAGE DRIVER SAFETY ACT

INTRODUCTION

The Teenage Driver Safety Act (Act), approved by the Arizona Legislature in 2007, took effect on July 1, 2008 (Laws 2007, Chapter 206). The Act imposes curfew and passenger restrictions on drivers under the age of 18 for the first six months after the issuance of a class G, or graduated, driver license. The Act also made changes to the requirements associated with obtaining an instruction permit and a class M driver license. These restrictions and changes apply only to permits and licenses issued after July 1, 2008.

CLASS G DRIVER LICENSE

Arizona law allows a person under the age of 18 to apply to the Arizona Department of Transportation's (ADOT) Motor Vehicle Division (MVD) for a class G driver license if the person is at least 16 years of age, has obtained and held a valid instruction permit for at least six months and has either satisfactorily completed an ADOT approved driver education program or a custodial parent or guardian of the applicant certifies in writing that the applicant has completed at least 30 hours of supervised driving practice and at least 10 of those hours were at night. In addition to these requirements, applicants applying for a class G driver license must successfully pass MVD's driver license examination.

CLASS G RESTRICTIONS

Curfew

The Act imposes curfew restrictions on class G licensees for the first six months that they hold the class G driver license. Under these curfew restrictions, the licensee is prohibited from operating a motor vehicle on a public highway from 12:00 a.m. to 5:00 a.m.

These restrictions, however, do not apply to the class G licensee if the licensee is accompanied by and seated next to a parent or legal guardian with a class A, B, C or D license or if the licensee is driving directly to or from a sanctioned school sponsored activity, the licensee's place of employment, a sanctioned religious activity or a family emergency.

Passengers

The Act restricts a class G licensee, for the first six months after obtaining a class G driver license, from operating a motor vehicle on a public highway at any time if the licensee's vehicle contains more than one passenger under the age of 18.

Exemptions to the passenger restrictions allow a class G licensee to operate a motor vehicle containing more than one passenger under the age of 18 if: 1) the passengers are the licensee's siblings; or 2) the licensee is accompanied by and seated next to a parent or legal guardian with a class A, B, C or D license.

PENALTIES

An initial violation of the Act subjects the licensee to a maximum civil penalty of \$75, and ADOT is required to extend the passenger and curfew restrictions for 30 days. For a second violation, a licensee is subject to a maximum civil penalty of \$100 and ADOT is required to extend the passenger and curfew restrictions for 60 days. Third or subsequent violations subject the licensee to a maximum civil penalty of \$100, and ADOT is required to suspend the licensee's driving privileges for 30 days. Any extensions of the restrictions as the result of a violation under the Act begin on ADOT's receipt of the violation, and the Act requires any extensions to run consecutively.

The Act classifies passenger and curfew restriction violations as a secondary offense and prohibits a police officer from stopping or issuing a citation to a class G licensee found to be in violation of these restrictions unless the officer witnesses or has reason to believe that another traffic violation has occurred.

DISMISSAL OF CITATIONS

The Act allows for the dismissal of a curfew violation if the licensee produces a written, notarized letter from his or her parent or legal guardian to the appropriate court officer on or before the licensee's court appearance stating that the licensee was going to or returning from a sanctioned school sponsored activity, the

licensee's place of employment, a sanctioned religious activity or a family emergency. This letter can also come from a representative of the sanctioned school sponsored activity, the licensee's employer or from a representative of the sanctioned religious activity, respectively.

A passenger violation can be dismissed if the licensee provides the appropriate court officer with a written, notarized letter from the licensee's parent or legal guardian that states that the passengers in the vehicle with the licensee at the time of the violation were siblings of the licensee. This letter must also be provided on or before the licensee's court appearance.

TURNING 18

All driving restrictions and any other penalties that may have been imposed on a licensee under the Act no longer apply when the licensee turns 18 years of age. Upon turning 18, a person who holds a class G driver license is eligible to apply for a class D driver license.

CLASS M DRIVER LICENSE

A class M driver license, otherwise known as a motorcycle endorsement, is required for anyone who wishes to operate a motorcycle on public highways in this state. Statute permits a person who is at least 16 years of age but under 18 years of age to apply for a class M license. ADOT is prohibited, however, from issuing a class M license to an applicant unless the applicant has held an instruction permit for at least six months and has either satisfactorily completed a motorcycle driver education program that has been approved by ADOT or a custodial parent or guardian of the applicant certifies in writing that the applicant has completed at least 30 hours of motorcycle driving practice.

• **ADDITIONAL RESOURCES** •

- Teenage Driver Safety Act Statute: A.R.S. § 28-3174
- Arizona Department of Transportation, Motor Vehicle Division
“Teen Driver Safety Act”
<http://www.dot.state.az.us/MVD/driver/gdl/gdl.asp>