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House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

HOUSE BILL 2449

AN ACT

AMENDING SECTIONS 28-363 AND 28-3157, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 8, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-3323; RELATING TO DRIVER LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-363, Arizona Revised Statutes, is amended to
3 read:
4 28-363. Duties of the director; administration
5 A. The director shall:
6 1. Supervise and administer the overall activities of the department
7 and its divisions and employees.
8 2. Appoint assistant directors for each of the divisions.
9 3. Provide for the assembly and distribution of information to the
10 public concerning department activities.
11 4. Delegate functions, duties or powers as the director deems
12 necessary to carry out the efficient operation of the department.
13 5. Exercise complete and exclusive operational control and
14 jurisdiction over the use of state highways and routes.
15 6. Coordinate the design, right-of-way purchase and construction of
16 controlled access highways that are either state routes or state highways and
17 related grade separations of controlled access highways.
18 7. Coordinate the design, right-of-way purchase, construction,
19 standard and reduced clearance grade separation, extension and widening of
20 arterial streets and highways under chapters 17 and 18 of this title.
21 8. Assist regional transportation planning agencies, councils of
22 government, tribal governments, counties, cities and towns in the development
23 of their regional and local transportation plans to ensure that the streets,
24 highways and other regionally significant modes of transportation within each
25 county form an integrated and efficient regional system.
26 9. On or before December 1, present an annual report to the speaker of
27 the house of representatives and the president of the senate documenting the
28 expenditures of monies under chapters 17 and 18 of this title during the
29 previous fiscal year relating to the design, right-of-way purchase or
30 construction of controlled access highways that are accepted in the state
31 highway system as state routes or state highways or related grade separations
32 of controlled access highways that are included in the regional
33 transportation plans of the counties.
34 10. Designate the necessary agencies for enforcing the provisions of
35 the laws the director administers or enforces.
36 11. Exercise other duties or powers as the director deems necessary to
37 carry out the efficient operation of the department.
38 12. Cooperate with the Arizona-Mexico commission in the governor's
39 office and with researchers at universities in this state to collect data and
40 conduct projects in the United States and Mexico on issues that are within
41 the scope of the department's duties and that relate to quality of life,
42 trade and economic development in this state in a manner that will help the
43 Arizona-Mexico commission to assess and enhance the economic competitiveness
44 of this state and of the Arizona-Mexico region.

1 13. Develop a plan to increase use of bypass routes by vehicles on days
2 of poor visibility in the Phoenix metropolitan area.

3 14. ESTABLISH EMPLOYEE TRAINING PROGRAMS AND PROCEDURES TO IDENTIFY
4 FRAUDULENT INFORMATION AND DOCUMENTS SUBMITTED TO THE DEPARTMENT BY A PERSON
5 APPLYING PURSUANT TO CHAPTER 8 OF THIS TITLE FOR A DRIVER LICENSE, DRIVER
6 PERMIT OR NONOPERATING IDENTIFICATION LICENSE, INCLUDING PROCEDURES TO
7 FORWARD CHARGEABLE OFFENSES RELATED TO THE SUBMISSION OF FRAUDULENT
8 INFORMATION OR FRAUDULENT DOCUMENTS TO THE COUNTY ATTORNEY IN THE COUNTY IN
9 WHICH THE OFFENSE OCCURRED.

10 B. The assistant directors appointed pursuant to subsection A are
11 exempt from the state personnel system.

12 C. The director shall not spend any monies, adopt any rules or
13 implement any policies or programs to convert signs to the metric system or
14 to require the use of the metric system with respect to designing or
15 preparing plans, specifications, estimates or other documents for any highway
16 project before the conversion or use is required by federal law, except that
17 the director may:

18 1. Spend monies and require the use of the metric system with respect
19 to designing or preparing plans, specifications, estimates or other documents
20 for a highway project that is awarded before October 1, 1997 and that is
21 exclusively metric from its inception.

22 2. Prepare for conversion to and use of the metric system not more
23 than six months before the conversion or use is required by federal law.

24 Sec. 2. Section 28-3157, Arizona Revised Statutes, is amended to read:
25 28-3157. Temporary driver permits and nonoperating
26 identification licenses

27 A. The department may issue a temporary driver permit to an applicant
28 for a driver license OR PERMIT. The permit allows the driver to operate a
29 motor vehicle while the department is completing its investigation and
30 determining all facts relative to the applicant's privilege to receive a
31 driver license.

32 B. The permittee shall have the permit in the permittee's immediate
33 possession while operating a motor vehicle. The permit is invalid when the
34 permittee is issued a driver license or when a driver license is refused for
35 good cause.

36 C. IF THE DEPARTMENT HAS REASONABLE GROUNDS TO BELIEVE THAT ANY
37 INFORMATION SUBMITTED TO THE DEPARTMENT IN AN APPLICATION FOR A NONOPERATING
38 IDENTIFICATION LICENSE AS PRESCRIBED BY SECTION 28-3323 IS FRAUDULENT, THE
39 DEPARTMENT SHALL INVESTIGATE ANY INFORMATION AND DOCUMENTS SUBMITTED IN THE
40 APPLICATION AND MAY ISSUE A TEMPORARY NONOPERATING IDENTIFICATION LICENSE
41 UNTIL ITS INVESTIGATION IS COMPLETE.

42 D. TEMPORARY DRIVER PERMITS AND NONOPERATING IDENTIFICATION LICENSES
43 ISSUED PURSUANT TO THIS SECTION SHALL NOT CONTAIN A PHOTOGRAPH OF THE
44 APPLICANT IF THE DEPARTMENT IS CONDUCTING AN INVESTIGATION PURSUANT TO
45 SECTION 28-3323.

1 Sec. 3. Title 28, chapter 8, article 6, Arizona Revised Statutes, is
2 amended by adding section 28-3323, to read:

3 28-3323. Fraudulent driver license, permit or nonoperating
4 identification license applications; cancellation;
5 hearings

6 A. IF THE DEPARTMENT HAS REASONABLE GROUNDS TO BELIEVE THAT THE
7 DOCUMENTS OR INFORMATION CONTAINED IN AN APPLICATION FOR A DRIVER LICENSE,
8 DRIVER PERMIT OR NONOPERATING IDENTIFICATION LICENSE IS FRAUDULENT, THE
9 DEPARTMENT SHALL EXAMINE THE INFORMATION AND THE DOCUMENTS SUBMITTED BY THE
10 APPLICANT TO VERIFY THAT THE INFORMATION IS VALID.

11 B. IF THE DEPARTMENT HAS REASONABLE GROUNDS TO BELIEVE THAT ANY
12 INFORMATION SUBMITTED BY AN APPLICANT MAY BE FRAUDULENT, THE DEPARTMENT SHALL
13 RETAIN THE APPLICANT'S DOCUMENTS THE DEPARTMENT BELIEVES TO BE FRAUDULENT FOR
14 FURTHER ANALYSIS AND VERIFICATION.

15 C. IF THE DEPARTMENT IS CONDUCTING AN INVESTIGATION PURSUANT TO
16 SUBSECTION B OF THIS SECTION, THE DEPARTMENT SHALL ENTER IN ITS ELECTRONIC
17 RECORDS THAT THE DEPARTMENT IS CONDUCTING FURTHER ANALYSIS AND VERIFICATION
18 OF THE APPLICANT'S INFORMATION.

19 D. EXCEPT AS PROVIDED IN SECTION 28-3157, IF THE DEPARTMENT IS
20 INVESTIGATING AN APPLICANT'S INFORMATION PURSUANT TO SUBSECTION B OF THIS
21 SECTION, THE DEPARTMENT SHALL NOT ISSUE A DRIVER LICENSE, DRIVER PERMIT OR
22 NONOPERATING IDENTIFICATION LICENSE TO THE APPLICANT WHILE THE DEPARTMENT IS
23 ANALYZING AND VERIFYING THE INFORMATION.

24 E. ON DETERMINING THAT THE INFORMATION SUBMITTED BY AN APPLICANT IS
25 TRUE AND CORRECT, THE DEPARTMENT SHALL PROCESS THE APPLICATION AND SHALL
26 REMOVE INFORMATION ENTERED INTO ITS ELECTRONIC RECORDS PURSUANT TO SUBSECTION
27 C OF THIS SECTION.

28 F. IF THE DEPARTMENT DETERMINES THAT THE INFORMATION SUBMITTED BY THE
29 APPLICANT IS ALLEGEDLY FRAUDULENT, THE DEPARTMENT SHALL:

30 1. IF THE APPLICANT HAS RECEIVED A TEMPORARY PERMIT OR NONOPERATING
31 IDENTIFICATION LICENSE PURSUANT TO SECTION 28-3157, NOTIFY THE APPLICANT BY
32 FIRST CLASS MAIL THAT THE TEMPORARY DRIVER PERMIT OR NONOPERATING
33 IDENTIFICATION LICENSE SHALL BE CANCELED UNLESS THE APPLICANT REQUESTS A
34 HEARING AS PRESCRIBED IN THIS SECTION.

35 2. NOTIFY THE APPLICANT BY FIRST CLASS MAIL THAT THE APPLICANT WILL
36 NOT BE ISSUED THE DRIVER LICENSE, DRIVER PERMIT OR NONOPERATING
37 IDENTIFICATION LICENSE FOR WHICH THE APPLICANT APPLIED UNLESS THE APPLICANT
38 REQUESTS A HEARING AS PRESCRIBED IN THIS SECTION.

39 G. ON AN APPLICANT'S REQUEST, THE DEPARTMENT SHALL PROVIDE AN
40 OPPORTUNITY FOR A HEARING ON THE ACTION TAKEN PURSUANT TO THIS SECTION AS
41 EARLY AS PRACTICABLE BUT NOT LATER THAN THIRTY DAYS AFTER RECEIPT OF THE
42 REQUEST. THE DEPARTMENT SHALL HOLD THE HEARING IN THE COUNTY IN WHICH THE
43 APPLICANT RESIDES.

44 H. IF A HEARING IS HELD, THE DEPARTMENT OR ITS AUTHORIZED AGENT MAY
45 ADMINISTER OATHS, ISSUE SUBPOENAS FOR THE ATTENDANCE OF WITNESSES AND THE

1 PRODUCTION OF RELEVANT BOOKS AND PAPERS AND MAY REQUIRE A REEXAMINATION OF
2 THE DOCUMENTS SUBMITTED BY THE APPLICANT FOR A DRIVER LICENSE, DRIVER PERMIT
3 OR NONOPERATING IDENTIFICATION LICENSE.

4 I. IF THE APPLICANT'S TEMPORARY PERMIT OR NONOPERATING IDENTIFICATION
5 LICENSE WAS CANCELED, AT THE HEARING THE DEPARTMENT SHALL EITHER UPHOLD ITS
6 ORDER OF CANCELLATION OR RESCIND ITS ORDER OF CANCELLATION AND PROCESS THE
7 APPLICATION FOR A DRIVER LICENSE, DRIVER PERMIT OR NONOPERATING
8 IDENTIFICATION LICENSE. IF GOOD CAUSE EXISTS, THE DEPARTMENT MAY EXTEND THE
9 TEMPORARY DRIVER PERMIT OR NONOPERATING IDENTIFICATION.

10 J. IF THE APPLICANT WAS NOT ISSUED A TEMPORARY PERMIT OR NONOPERATING
11 IDENTIFICATION LICENSE PURSUANT TO SECTION 28-3157, THE DEPARTMENT SHALL
12 EITHER UPHOLD ITS ORDER OF REFUSAL TO ISSUE A DRIVER LICENSE, DRIVER PERMIT
13 OR NONOPERATING IDENTIFICATION LICENSE OR RESCIND ITS ORDER AND PROCESS THE
14 APPLICATION FOR A DRIVER LICENSE, DRIVER PERMIT OR NONOPERATING
15 IDENTIFICATION LICENSE.

16 K. THE REQUEST FOR A HEARING PURSUANT TO THIS SECTION DOES NOT STAY
17 ANY ACTION BY THE DEPARTMENT.

18 Sec. 4. Reporting; caseloads

19 Beginning on October 1, 2004, the director of the department of
20 transportation shall file quarterly reports with the director of the joint
21 legislative budget committee and the director of the office of strategic
22 planning and budget relating to the number of cases the department is
23 investigating pursuant to section 28-3323, Arizona Revised Statutes. The
24 director of the department of transportation may include other information
25 the director deems relevant relating to the department's duties and
26 practices, including staff, training and equipment needs necessary to enforce
27 the provisions of section 28-3323, Arizona Revised Statutes.