

REFERENCE TITLE: **graduated driver licenses**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## **HB 2601**

Introduced by  
Representatives Garcia M, Bradley, Farley, Hershberger, Lopez: Alvarez,  
Cajero Bedford, Lujan, Miranda B

AN ACT

AMENDING SECTIONS 28-3153, 28-3154, 28-3156 AND 28-3174, ARIZONA REVISED STATUTES; AMENDING SECTION 28-3174, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; AMENDING SECTION 28-3321, ARIZONA REVISED STATUTES; RELATING TO DRIVER 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 by  
11 this chapter to a person who is at least fifteen years and ~~seven~~ SIX months  
12 of age.

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

15 2. A class D, G or M license or instruction permit to a person who is  
16 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 property  
18 pursuant to section 13-1602, subsection A, paragraph 1 or convicted of a  
19 felony offense in the commission of which a motor vehicle is used, including  
20 theft of a motor vehicle pursuant to section 13-1802, unlawful use of means  
21 of transportation pursuant to section 13-1803 or theft of means of  
22 transportation pursuant to section 13-1814, or who has been adjudicated  
23 delinquent for a second or subsequent act that would constitute criminal  
24 damage to property pursuant to section 13-1602, subsection A, paragraph 1 or  
25 adjudicated delinquent for an act that would constitute a felony offense in  
26 the commission of which a motor vehicle is used, including theft of a motor  
27 vehicle pursuant to section 13-1802, unlawful use of means of transportation  
28 pursuant to section 13-1803 or theft of means of transportation pursuant to  
29 section 13-1814, if committed by an adult.

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

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

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37 license or driving privilege has been revoked.

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

40 7. A license to a person who on application notifies the department  
41 that the person is an alcoholic as defined in section 36-2021 or a drug  
42 dependent person as defined in section 36-2501, unless the person  
43 successfully completes the medical screening process pursuant to section  
44 28-3052 or submits a medical examination report that includes a current  
45 evaluation from a substance abuse counselor indicating that, in the opinion

1 of the counselor, the condition does not affect or impair the person's  
2 ability to 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 believe  
13 that the operation of a motor vehicle on the highways by the person would  
14 threaten the public safety or welfare.

15 12. A license to a person whose driver license has been ordered to be  
16 suspended pursuant to section 25-518.

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

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

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

24 1. A person about whom the court notifies the department that the  
25 person violated the person's written promise to appear in court when charged  
26 with a violation of the motor vehicle laws of this state until the department  
27 receives notification in a manner approved by the department that the person  
28 appeared either voluntarily or involuntarily or that the case has been  
29 adjudicated, that the case is being appealed or that the case has otherwise  
30 been disposed of as provided by law.

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

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

38 D. Notwithstanding any other law, the department shall not issue to or  
39 renew a driver license or nonoperating identification license for a person  
40 who does not submit proof satisfactory to the department that the applicant's  
41 presence in the United States is authorized under federal law. For an  
42 application for a driver license or a nonoperating identification license,  
43 the department shall not accept as a primary source of identification a  
44 driver license issued by a state if the state does not require that a driver  
45 licensed in that state be lawfully present in the United States under federal

1 law. The director shall adopt rules necessary to carry out the purposes of  
2 this subsection. The rules shall include procedures for:

3 1. Verification that the applicant's presence in the United States is  
4 authorized under federal law.

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

7 Sec. 2. Section 28-3154, Arizona Revised Statutes, is amended to read:

8 28-3154. Instruction permit for a class D or G license

9 A. A person who is at least fifteen years and ~~seven~~ SIX months of age  
10 may apply to the department for an instruction permit for a class D or G  
11 license. The department may issue an instruction permit to the applicant  
12 after the applicant successfully passes all parts of the examination other  
13 than the driving test.

14 B. The instruction permit entitles the permittee to drive a motor  
15 vehicle requiring a class D or G license on the public highways for twelve  
16 months when both of the following conditions are met:

17 1. The permittee has the permit in the permittee's immediate  
18 possession.

19 2. The permittee is accompanied by a person who has a class A, B, C or  
20 D license, WHO IS AT LEAST TWENTY-ONE YEARS OF AGE and who occupies a seat  
21 beside the permittee.

22 Sec. 3. Section 28-3156, Arizona Revised Statutes, is amended to read:

23 28-3156. Class M instruction permit

24 A. A person who is at least fifteen years and ~~seven~~ SIX months of age  
25 may apply to the department for an instruction permit for a class M  
26 license. The department may issue an instruction permit to the applicant  
27 after the applicant successfully passes all parts of the examination other  
28 than the motorcycle skill test.

29 B. The permit entitles the permittee to operate a motorcycle requiring  
30 a class M license or endorsement when the permittee has the permit in the  
31 permittee's immediate possession. The permit is valid for six months from  
32 the date of issuance.

33 C. The permittee shall not operate a motorcycle as follows:

34 1. On a controlled access highway as defined in section 28-601.

35 2. On a public highway from sunset to sunrise or when there is  
36 insufficient light to clearly discern a person and a vehicle on the highway  
37 at a distance of five hundred feet.

38 D. The department shall not issue more than two class M permits to the  
39 same person within twenty-four months.

40 Sec. 4. Section 28-3174, Arizona Revised Statutes, is amended to read:

41 28-3174. Class G driver licenses; motorcycles

42 A. A person who is under eighteen years of age may apply to the  
43 department for a class G driver license if all of the following apply:

44 1. The person is at least sixteen years of age.

1           2. The person has a valid instruction permit issued pursuant to this  
2 article and the person has held the instruction permit for at least ~~five~~ SIX  
3 months, except that this requirement does not apply to a person who has a  
4 currently valid driver license issued by another jurisdiction.

5           3. Either:

6           (a) The person has satisfactorily completed a driver education program  
7 that is approved by the department of transportation. If the driver  
8 education program is offered by a public high school, the program shall be  
9 approved by the department of transportation in consultation with the  
10 department of education.

11           (b) A custodial parent or guardian of the person certifies in writing  
12 to the department that the applicant has completed at least ~~twenty-five~~ FIFTY  
13 hours of supervised driving practice and that at least ~~five~~ TEN of the  
14 required practice hours were at night.

15           B. If the applicant successfully passes the examination prescribed in  
16 section 28-3164 and satisfies the requirements prescribed in subsection A of  
17 this section, the department may issue a class G driver license to the  
18 applicant.

19           C. A class G driver license entitles the licensee to drive a motor  
20 vehicle that requires a class G license on the public highways.

21           D. A person who holds a class G driver license may apply for a class D  
22 license on or after the person's eighteenth birthday, except that a person  
23 whose class G driver license is suspended pursuant to section 28-3321 is not  
24 entitled to receive a class D driver license until after the suspension  
25 period expires.

26           E. If a person who is under eighteen years of age and at least sixteen  
27 years of age applies for a class M license or a motorcycle endorsement, the  
28 department shall not issue the class M license or motorcycle endorsement to  
29 the person unless both of the following apply:

30           1. The applicant has held an instruction permit issued pursuant to  
31 section 28-3156 for at least ~~five~~ SIX months, except that this requirement  
32 does not apply to a person who has a currently valid motorcycle driver  
33 license or endorsement issued by another jurisdiction.

34           2. Either:

35           (a) The person has satisfactorily completed a motorcycle driver  
36 education program that is approved by the department. If the driver  
37 education program is offered by a public high school, the program shall be  
38 approved by the department of transportation in consultation with the  
39 department of education.

40           (b) A custodial parent or guardian of the person certifies in writing  
41 to the department that the applicant has completed at least twenty-five hours  
42 of motorcycle driving practice.

1           Sec. 5. Section 28-3174, Arizona Revised Statutes, as amended by  
2 section 4 of this act, is amended to read:

3           28-3174. Class G driver licenses; motorcycles; violations;  
4                                   civil penalty

5           A. A person who is under eighteen years of age may apply to the  
6 department for a class G driver license if all of the following apply:

7           1. The person is at least sixteen years of age.

8           2. The person has a valid instruction permit issued pursuant to this  
9 article and the person has held the instruction permit for at least six  
10 months, except that this requirement does not apply to a person who has a  
11 currently valid driver license issued by another jurisdiction.

12          3. Either:

13           (a) The person has satisfactorily completed a driver education program  
14 that is approved by the department of transportation. If the driver  
15 education program is offered by a public high school, the program shall be  
16 approved by the department of transportation in consultation with the  
17 department of education.

18           (b) A custodial parent or guardian of the person certifies in writing  
19 to the department that the applicant has completed at least fifty hours of  
20 supervised driving practice and that at least ten of the required practice  
21 hours were at night.

22          B. If the applicant successfully passes the examination prescribed in  
23 section 28-3164 and satisfies the requirements prescribed in subsection A of  
24 this section, the department may issue a class G driver license to the  
25 applicant.

26          C. **EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION,** a class G  
27 driver license entitles the licensee to drive a motor vehicle that requires a  
28 class G license on the public highways.

29          D. **EXCEPT AS PROVIDED IN SUBSECTION I OF THIS SECTION, FOR THE FIRST**  
30 **SIX MONTHS THAT A CLASS G LICENSEE HOLDS THE LICENSE, THE LICENSEE SHALL NOT**  
31 **DRIVE A MOTOR VEHICLE ON THE PUBLIC HIGHWAYS:**

32           1. **FROM 12:00 A.M. TO 5:00 A.M. UNLESS ACCOMPANIED BY A PERSON WHO HAS**  
33 **A CLASS A, B, C OR D LICENSE, WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO**  
34 **OCCUPIES A SEAT BESIDE THE CLASS G LICENSEE.**

35           2. **AT ANY TIME IF THE LICENSEE IS DRIVING A MOTOR VEHICLE CONTAINING A**  
36 **PASSENGER UNDER THE AGE OF EIGHTEEN. THIS RESTRICTION DOES NOT APPLY IF**  
37 **EITHER:**

38           (a) **THE PASSENGER UNDER THE AGE OF EIGHTEEN IS THE LICENSEE'S SIBLING.**

39           (b) **THE LICENSEE IS ACCOMPANIED BY A PERSON WHO HAS A CLASS A, B, C OR**  
40 **D LICENSE, WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO OCCUPIES A SEAT**  
41 **BESIDE THE CLASS G LICENSEE.**

42          ~~D.~~ E. A person who holds a class G driver license may apply for a  
43 class D license on or after the person's eighteenth birthday, except that a  
44 person whose class G driver license is suspended pursuant to **SUBSECTION G OF**

1 THIS SECTION OR section 28-3321 is not entitled to receive a class D driver  
2 license until after the suspension period expires.

3 ~~E.~~ F. If a person who is under eighteen years of age and at least  
4 sixteen years of age applies for a class M license or a motorcycle  
5 endorsement, the department shall not issue the class M license or motorcycle  
6 endorsement to the person unless both of the following apply:

7 1. The applicant has held an instruction permit issued pursuant to  
8 section 28-3156 for at least six months, except that this requirement does  
9 not apply to a person who has a currently valid motorcycle driver license or  
10 endorsement issued by another jurisdiction.

11 2. Either:

12 (a) The person has satisfactorily completed a motorcycle driver  
13 education program that is approved by the department. If the driver  
14 education program is offered by a public high school, the program shall be  
15 approved by the department of transportation in consultation with the  
16 department of education.

17 (b) A custodial parent or guardian of the person certifies in writing  
18 to the department that the applicant has completed at least twenty-five hours  
19 of motorcycle driving practice.

20 G. IF A PERSON IS FOUND RESPONSIBLE FOR A CIVIL TRAFFIC VIOLATION  
21 UNDER THIS SECTION, BOTH OF THE FOLLOWING APPLY:

22 1. THE PERSON IS SUBJECT TO A MAXIMUM CIVIL PENALTY OF TWENTY-FIVE  
23 DOLLARS.

24 2. THE COURT SHALL REPORT THE VIOLATION TO THE DEPARTMENT. ON RECEIPT  
25 OF THE REPORT, THE DEPARTMENT SHALL SUSPEND THE PERSON'S DRIVING PRIVILEGE  
26 FOR THIRTY DAYS. IF THE LICENSEE ALSO HAS A SUSPENSION RESULTING FROM A  
27 MOVING CIVIL OR CRIMINAL TRAFFIC OFFENSE AS PRESCRIBED BY SECTION 28-3321,  
28 THE SUSPENSIONS SHALL RUN CONSECUTIVELY.

29 H. EXCEPT AS PROVIDED IN SUBSECTION I OF THIS SECTION, IF A PERSON'S  
30 DRIVING PRIVILEGE IS SUSPENDED PURSUANT TO SUBSECTION G OF THIS SECTION, THE  
31 SIX MONTH PERIOD PRESCRIBED BY SUBSECTION D OF THIS SECTION SHALL BE EXTENDED  
32 BY THIRTY DAYS.

33 I. THE RESTRICTIONS IMPOSED BY SUBSECTION D OF THIS SECTION DO NOT  
34 APPLY BEGINNING ON THE LICENSEE'S EIGHTEENTH BIRTHDAY.

35 J. AN INSURER SHALL NOT CONSIDER A CIVIL TRAFFIC VIOLATION UNDER THIS  
36 SECTION AS A TRAFFIC VIOLATION AGAINST THE PERSON FOR THE PURPOSES OF  
37 ESTABLISHING RATES FOR MOTOR VEHICLE LIABILITY INSURANCE OR DETERMINING THE  
38 INSURABILITY OF THE PERSON. AN INSURER SHALL NOT CANCEL OR REFUSE TO RENEW  
39 ANY POLICY OF INSURANCE BECAUSE OF THE VIOLATION.

40 Sec. 6. Section 28-3321, Arizona Revised Statutes, is amended to read:

41 28-3321. Moving violations by persons under eighteen years of  
42 age; traffic survival school; suspension

43 A person who holds a driver permit or license and who is found  
44 responsible for a moving civil traffic violation pursuant to this title or  
45 who is convicted of a moving criminal traffic offense pursuant to this title,

1 excluding violations of sections 28-693, 28-695, 28-708, 28-1381, 28-1382,  
2 ~~and~~ 28-1383 AND 28-3174, and who commits the moving civil traffic violation  
3 or moving criminal traffic offense while the person is under eighteen years  
4 of age is subject to the following:

5 1. On receipt of the first record of judgment or conviction, the  
6 department shall order the person to attend and successfully complete traffic  
7 survival school training and educational sessions.

8 2. On receipt of the second record of judgment or conviction, the  
9 department shall suspend the person's driving privilege for three months.

10 3. On receipt of the third record of judgment or conviction, the  
11 department shall suspend the person's driving privilege for six months.

12 Sec. 7. Effective date

13 Section 28-3174, Arizona Revised Statutes, as amended by section 5 of  
14 this act, is effective from and after June 30, 2008.