

REFERENCE TITLE: teenage driver safety act

State of Arizona
Senate
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2007

SB 1347

Introduced by
Senators Leff, Blendu, Gould, Tibshraeny; Representatives Hershberger,
Mason, Prezelski; Senators Aboud, Huppenthal, Rios; Representatives Clark,
Crump, Groe, Konopnicki, McComish, Rios P, Thrasher, Weiers JP

AN ACT

AMENDING SECTIONS 28-3153, 28-3154, 28-3156, 28-3174 AND 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 license.
26 The department may issue an instruction permit to the applicant after the
27 applicant successfully passes all parts of the examination other than the
28 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~~ SEVEN months
32 from 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; restrictions; civil
42 penalties; motorcycles

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

45 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~~
13 THIRTY 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. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, a class G
20 driver license entitles the licensee to drive a motor vehicle that requires a
21 class G license on the public highways.

22 D. EXCEPT AS PROVIDED IN SUBSECTION J OF THIS SECTION, FOR THE FIRST
23 SIX MONTHS THAT A CLASS G LICENSEE HOLDS THE LICENSE, THE LICENSEE SHALL NOT
24 DRIVE A MOTOR VEHICLE ON THE PUBLIC HIGHWAYS:

25 1. FROM 12:00 A.M. TO 5:00 A.M. UNLESS EITHER:

26 (a) THE LICENSEE IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN WHO HAS
27 A CLASS A, B, C OR D LICENSE AND WHO OCCUPIES A SEAT BESIDE THE CLASS G
28 LICENSEE.

29 (b) THE LICENSEE IS DRIVING DIRECTLY TO OR FROM A SANCTIONED SCHOOL
30 SPONSORED ACTIVITY, THE LICENSEE'S PLACE OF EMPLOYMENT, A SANCTIONED
31 RELIGIOUS ACTIVITY OR A FAMILY EMERGENCY.

32 2. EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH, AT ANY TIME IF THE
33 LICENSEE IS DRIVING A MOTOR VEHICLE CONTAINING MORE THAN ONE PASSENGER UNDER
34 THE AGE OF EIGHTEEN. THIS RESTRICTION DOES NOT:

35 (a) PROHIBIT THE LICENSEE FROM DRIVING A MOTOR VEHICLE CONTAINING
36 PASSENGERS UNDER THE AGE OF EIGHTEEN IF THE PASSENGERS ARE THE LICENSEE'S
37 SIBLINGS.

38 (b) APPLY IF THE LICENSEE IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN
39 WHO HAS A CLASS A, B, C OR D LICENSE AND WHO OCCUPIES A SEAT BESIDE THE CLASS
40 G LICENSEE.

41 E. A PEACE OFFICER SHALL NOT STOP OR ISSUE A CITATION TO A PERSON
42 OPERATING A MOTOR VEHICLE ON A HIGHWAY IN THIS STATE FOR A VIOLATION OF
43 SUBSECTION D OF THIS SECTION UNLESS THE PEACE OFFICER HAS REASONABLE CAUSE TO
44 BELIEVE THERE IS ANOTHER ALLEGED VIOLATION OF A MOTOR VEHICLE LAW OF THIS
45 STATE.

1 F. IF A LICENSEE IS FOUND RESPONSIBLE FOR VIOLATING SUBSECTION D OF
2 THIS SECTION, THE COURT SHALL REPORT THE FINDING OF RESPONSIBILITY TO THE
3 DEPARTMENT. THE LICENSEE:

4 1. FOR A FIRST VIOLATION, IS SUBJECT TO A MAXIMUM CIVIL PENALTY OF
5 SEVENTY-FIVE DOLLARS. THE DEPARTMENT SHALL EXTEND THE RESTRICTION PRESCRIBED
6 BY SUBSECTION D OF THIS SECTION FOR THIRTY DAYS, OR IF THE RESTRICTION
7 PRESCRIBED BY SUBSECTION D OF THIS SECTION IS COMPLETE, THE THIRTY DAY
8 RESTRICTION BEGINS ON THE DEPARTMENT'S RECEIPT OF THE REPORT OF THE FINDING
9 OF RESPONSIBILITY.

10 2. FOR A SECOND VIOLATION, IS SUBJECT TO A MAXIMUM CIVIL PENALTY OF
11 ONE HUNDRED DOLLARS. THE DEPARTMENT SHALL EXTEND THE RESTRICTION PRESCRIBED
12 BY SUBSECTION D OF THIS SECTION FOR SIXTY DAYS, OR IF THE RESTRICTION
13 PRESCRIBED BY SUBSECTION D OF THIS SECTION IS COMPLETE, THE SIXTY DAY
14 RESTRICTION BEGINS ON THE DEPARTMENT'S RECEIPT OF THE REPORT OF THE FINDING
15 OF RESPONSIBILITY. IF AT THE TIME OF THE SECOND VIOLATION THE LICENSEE IS
16 SUBJECT TO AN EXTENSION OF THE SIX MONTH PERIOD PURSUANT TO PARAGRAPH 1 OF
17 THIS SUBSECTION, THE EXTENSIONS RUN CONSECUTIVELY.

18 3. FOR A THIRD OR SUBSEQUENT VIOLATION, IS SUBJECT TO A MAXIMUM CIVIL
19 PENALTY OF ONE HUNDRED DOLLARS. ON THE DEPARTMENT'S RECEIPT OF THE REPORT OF
20 THE FINDING OF RESPONSIBILITY, THE DEPARTMENT SHALL SUSPEND THE LICENSEE'S
21 DRIVING PRIVILEGE FOR THIRTY DAYS. IF THE LICENSEE ALSO HAS A SUSPENSION
22 RESULTING FROM A MOVING CIVIL TRAFFIC VIOLATION OR A MOVING CRIMINAL TRAFFIC
23 OFFENSE AS PRESCRIBED BY SECTION 28-3321, THE SUSPENSIONS RUN CONSECUTIVELY.

24 G. ONE OF THE FOLLOWING MAY BE PROVIDED TO THE COURT AS PROOF THAT A
25 LICENSEE IS NOT IN VIOLATION OF SUBSECTION D, PARAGRAPH 1 OF THIS SECTION:

26 1. A WRITTEN, NOTARIZED LETTER FROM THE PARENT OR LEGAL GUARDIAN OF
27 THE LICENSEE THAT THE LICENSEE WAS GOING TO OR RETURNING FROM A SANCTIONED
28 SCHOOL SPONSORED ACTIVITY, THE LICENSEE'S PLACE OF EMPLOYMENT, A SANCTIONED
29 RELIGIOUS ACTIVITY OR A FAMILY EMERGENCY.

30 2. A WRITTEN, NOTARIZED LETTER FROM A REPRESENTATIVE OF THE SANCTIONED
31 SCHOOL EVENT CERTIFYING THAT THE LICENSEE WAS RETURNING FROM THE SCHOOL
32 EVENT.

33 3. A WRITTEN, NOTARIZED LETTER FROM THE LICENSEE'S EMPLOYER CERTIFYING
34 THAT THE LICENSEE WAS RETURNING FROM THE LICENSEE'S PLACE OF EMPLOYMENT.

35 4. A WRITTEN, NOTARIZED LETTER FROM A REPRESENTATIVE OF THE SANCTIONED
36 RELIGIOUS ACTIVITY CERTIFYING THAT THE LICENSEE WAS RETURNING FROM THE
37 RELIGIOUS ACTIVITY.

38 H. A WRITTEN, NOTARIZED LETTER FROM THE PARENT OR LEGAL GUARDIAN OF
39 THE LICENSEE MAY BE PROVIDED TO THE COURT AS PROOF THAT A LICENSEE IS NOT IN
40 VIOLATION OF SUBSECTION D, PARAGRAPH 2 OF THIS SECTION. THE LETTER SHALL
41 STATE THAT THE LICENSEE WAS TRANSPORTING ONLY ONE PASSENGER UNDER THE AGE OF
42 EIGHTEEN WHO WAS NOT THE LICENSEE'S SIBLING.

43 I. A SCHOOL, SCHOOL DISTRICT, PRIVATE SCHOOL, EMPLOYER OR RELIGIOUS
44 INSTITUTION IS NOT LIABLE FOR DAMAGES IN A CIVIL ACTION OR FOR BODILY INJURY,
45 DEATH OR INJURED OR DAMAGED PROPERTY THAT ALLEGEDLY ARISES FROM OR IS RELATED

1 TO THE SCHOOL, SCHOOL DISTRICT, PRIVATE SCHOOL, EMPLOYER OR RELIGIOUS
2 INSTITUTION SCHEDULING AN EVENT OR EMPLOYMENT HOURS THAT REQUIRE A LICENSEE
3 WHO IS SUBJECT TO SUBSECTION D, PARAGRAPH 1 OF THIS SECTION TO DRIVE A MOTOR
4 VEHICLE ON THE PUBLIC HIGHWAYS FROM 12:00 A.M. TO 5:00 A.M. FOR THE PURPOSES
5 OF THIS SUBSECTION, "SCHOOL", "SCHOOL DISTRICT" AND "PRIVATE SCHOOL" HAVE THE
6 SAME MEANINGS PRESCRIBED IN SECTION 15-101.

7 J. THE RESTRICTIONS IMPOSED BY SUBSECTION D OF THIS SECTION DO NOT
8 APPLY BEGINNING ON THE LICENSEE'S EIGHTEENTH BIRTHDAY. ANY PENALTIES OR
9 RESTRICTIONS IMPOSED PURSUANT TO SUBSECTION F OF THIS SECTION SHALL BE FULLY
10 SATISFIED EVEN IF THE LICENSEE IS EIGHTEEN YEARS OF AGE OR OLDER.

11 ~~D.~~ K. A person who holds a class G driver license may apply for a
12 class D license on or after the person's eighteenth birthday, except that a
13 person whose class G driver license is suspended pursuant to section 28-3321
14 is not entitled to receive a class D driver license until after the
15 suspension period expires.

16 ~~E.~~ L. If a person who is under eighteen years of age and at least
17 sixteen years of age applies for a class M license or a motorcycle
18 endorsement, the department shall not issue the class M license or motorcycle
19 endorsement to the person unless both of the following apply:

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

24 2. Either:

25 (a) The person has satisfactorily completed a motorcycle driver
26 education program that is approved by the department. If the driver
27 education program is offered by a public high school, the program shall be
28 approved by the department of transportation in consultation with the
29 department of education.

30 (b) A custodial parent or guardian of the person certifies in writing
31 to the department that the applicant has completed at least ~~twenty-five~~
32 THIRTY hours of motorcycle driving practice.

33 Sec. 5. Section 28-3321, Arizona Revised Statutes, is amended to read:

34 28-3321. Moving violations by persons under eighteen years of
35 age; traffic survival school; suspension

36 A person who holds a driver permit or license and who is found
37 responsible for a moving civil traffic violation pursuant to this title or
38 who is convicted of a moving criminal traffic offense pursuant to this title,
39 excluding violations of sections 28-693, 28-695, 28-708, 28-1381, 28-1382,
40 ~~and~~ 28-1383 AND 28-3174, and who commits the moving civil traffic violation
41 or moving criminal traffic offense while the person is under eighteen years
42 of age is subject to the following:

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

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

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

5 Sec. 6. Short title

6 This act shall be known as and may be cited as the "Teenage Driver
7 Safety Act".

8 Sec. 7. Effective date

9 This act is effective from and after June 30, 2008.