

REFERENCE TITLE: firearms; restaurants; posting

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1132

Introduced by
Senators Harper: Gorman

AN ACT

AMENDING SECTION 4-226, ARIZONA REVISED STATUTES; AMENDING TITLE 4, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 4-229; AMENDING SECTIONS 4-244, 4-246, 5-395.03, 13-3102, 28-1321, 28-1385, 28-3320, 28-3322 AND 28-3511, ARIZONA REVISED STATUTES; RELATING TO FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 4-226, Arizona Revised Statutes, is amended to
3 read:

4 4-226. Exemptions

5 The provisions of this title do not apply to:

6 1. Drugstores selling spirituous liquors only upon prescription.

7 2. Any confectionery candy containing less than five per cent by
8 weight of alcohol.

9 3. Ethyl alcohol intended for use or used for the following purposes:

10 (a) Scientific, chemical, mechanical, industrial and medicinal
11 purposes.

12 (b) Use by those authorized to procure spirituous liquor or ethyl
13 alcohol tax-free, as provided by the acts of Congress and regulations
14 promulgated thereunder.

15 (c) In the manufacture of denatured alcohol produced and used as
16 provided by the acts of Congress and regulations promulgated thereunder.

17 (d) In the manufacture of patented, patent, proprietary, medicinal,
18 pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical and
19 industrial preparations or products, unfit and not used for beverage
20 purposes.

21 (e) In the manufacture of flavoring extracts and syrups unfit for
22 beverage purposes.

23 4. The purchase, storage, distribution, service or consumption of wine
24 in connection with the bona fide practice of a religious belief or as an
25 integral part of a religious exercise by a church recognized by the United
26 States internal revenue service under section 501(c)(3) of the internal
27 revenue code and in a manner not dangerous to public health or safety. This
28 exemption does not apply to any alleged violation of section 4-244, paragraph
29 9, ~~33, 34 or 40~~ 35, 36 OR 42.

30 Sec. 2. Title 4, chapter 2, article 2, Arizona Revised Statutes, is
31 amended by adding section 4-229, to read:

32 4-229. Restaurant licenses; firearms; posting of notice

33 A. A LICENSEE WHO HOLDS A RESTAURANT LICENSE ISSUED PURSUANT TO
34 SECTION 4-205.02 MAY POST A NOTICE ALLOWING THE POSSESSION OF A FIREARM ON
35 THE LICENSED PREMISES. A NOTICE ALLOWING POSSESSION OF A FIREARM ON THE
36 LICENSED PREMISES SHALL BE CONSPICUOUSLY POSTED AT THE PRIMARY PUBLIC
37 ENTRANCE TO THE LICENSED PREMISES IN A POSITION THAT ASSURES IT IS LIKELY TO
38 BE READ.

39 B. THE NOTICE PRESCRIBED IN SUBSECTION A ALLOWING THE POSSESSION OF A
40 FIREARM ON THE ENTIRE LICENSED PREMISES SHALL STATE "THESE PREMISES ARE
41 POSTED PURSUANT TO A.R.S. SECTION 4-229" AND THE WORDS "A.R.S. SECTION 4-229"
42 SHALL BE IN AT LEAST SEVENTY-TWO POINT TYPE.

43 C. THE DEPARTMENT OF LIQUOR LICENSES AND CONTROL SHALL ADOPT RULES
44 PERTAINING TO THE DESIGN AND POSTING OF THE SIGN PERMITTED BY THIS
45 SUBSECTION.

1 Sec. 3. Section 4-244, Arizona Revised Statutes, is amended to read:

2 4-244. Unlawful acts

3 It is unlawful:

4 1. For a person to buy for resale, sell or deal in spirituous liquors
5 in this state without first having procured a license duly issued by the
6 board.

7 2. For a person to sell or deal in alcohol for beverage purposes
8 without first complying with this title.

9 3. For a distiller, vintner, brewer or wholesaler knowingly to sell,
10 dispose of or give spirituous liquor to any person other than a licensee
11 except in sampling wares as may be necessary in the ordinary course of
12 business, except in donating spirituous liquor to a nonprofit organization
13 which has obtained a special event license for the purpose of charitable fund
14 raising activities or except in donating spirituous liquor with a cost to the
15 distiller, brewer or wholesaler of up to one hundred dollars in a calendar
16 year to an organization that is exempt from federal income taxes under
17 section 501(c) of the internal revenue code and not licensed under this
18 title.

19 4. For a distiller, vintner or brewer to require a wholesaler to offer
20 or grant a discount to a retailer, unless the discount has also been offered
21 and granted to the wholesaler by the distiller, vintner or brewer.

22 5. For a distiller, vintner or brewer to use a vehicle for trucking or
23 transportation of spirituous liquors unless there is affixed to both sides of
24 the vehicle a sign showing the name and address of the licensee and the type
25 and number of the person's license in letters not less than three and
26 one-half inches in height.

27 6. For a person to take or solicit orders for spirituous liquors
28 unless the person is a salesman or solicitor of a licensed wholesaler, a
29 salesman or solicitor of a distiller, brewer, vintner, importer or broker or
30 a registered retail agent.

31 7. For any retail licensee to purchase spirituous liquors from any
32 person other than a solicitor or salesman of a wholesaler licensed in this
33 state.

34 8. For a retailer to acquire an interest in property owned, occupied
35 or used by a wholesaler in his business, or in a license with respect to the
36 premises of the wholesaler.

37 9. Except as provided in paragraphs 10 and 11 of this section, for a
38 licensee or other person to sell, furnish, dispose of or give, or cause to be
39 sold, furnished, disposed of or given, to a person under the legal drinking
40 age or for a person under the legal drinking age to buy, receive, have in the
41 person's possession or consume spirituous liquor. This paragraph shall not
42 prohibit the employment by an off-sale retailer of persons who are at least
43 sixteen years of age to check out, if supervised by a person on the premises
44 who is at least nineteen years of age, package or carry merchandise,
45 including spirituous liquor, in unbroken packages, for the convenience of the

1 customer of the employer, if the employer sells primarily merchandise other
2 than spirituous liquor.

3 10. For a licensee to employ a person under ~~the age of~~ nineteen years
4 OF AGE to manufacture, sell or dispose of spirituous liquors. This paragraph
5 shall not prohibit the employment by an off-sale retailer of persons who are
6 at least sixteen years of age to check out, if supervised by a person on the
7 premises who is at least nineteen years of age, package or carry merchandise,
8 including spirituous liquor, in unbroken packages, for the convenience of the
9 customer of the employer, if the employer sells primarily merchandise other
10 than spirituous liquor.

11 11. For an on-sale retailer to employ a person under ~~the age of~~
12 nineteen years OF AGE in any capacity connected with the handling of
13 spirituous liquors. This paragraph does not prohibit the employment by an
14 on-sale retailer of a person under ~~the age of~~ nineteen years OF AGE who
15 cleans up the tables on the premises for reuse, removes dirty dishes, keeps a
16 ready supply of needed items and helps clean up the premises.

17 12. For a licensee, when engaged in waiting on or serving customers, to
18 consume spirituous liquor or for a licensee or on-duty employee to be on or
19 about the licensed premises while in an intoxicated or disorderly condition.

20 13. For an employee of a retail licensee, during that employee's
21 working hours or in connection with such employment, to give to or purchase
22 for any other person, accept a gift of, purchase for himself or consume
23 spirituous liquor, except that:

24 (a) An employee of a licensee, during that employee's working hours or
25 in connection with the employment, while the employee is not engaged in
26 waiting on or serving customers, may give spirituous liquor to or purchase
27 spirituous liquor for any other person.

28 (b) An employee of an on-sale retail licensee, during that employee's
29 working hours or in connection with the employment, while the employee is not
30 engaged in waiting on or serving customers, may taste samples of beer or wine
31 not to exceed four ounces per day or distilled spirits not to exceed two
32 ounces per day provided by an employee of a wholesaler or distributor who is
33 present at the time of the sampling.

34 (c) An employee of an on-sale retail licensee, under the supervision
35 of a manager as part of the employee's training and education, while not
36 engaged in waiting on or serving customers may taste samples of distilled
37 spirits not to exceed two ounces per educational session or beer or wine not
38 to exceed four ounces per educational session, and provided that a licensee
39 shall not have more than two educational sessions in any thirty day period.

40 (d) An unpaid volunteer who is a bona fide member of a club and who is
41 not engaged in waiting on or serving spirituous liquor to customers may
42 purchase for himself and consume spirituous liquor while participating in a
43 scheduled event at the club. An unpaid participant in a food competition may
44 purchase for himself and consume spirituous liquor while participating in the
45 food competition.

1 (e) An unpaid volunteer of a special event licensee under section
2 4-203.02 may purchase and consume spirituous liquor while not engaged in
3 waiting on or serving spirituous liquor to customers at the special event.
4 This subdivision does not apply to an unpaid volunteer whose responsibilities
5 include verification of a person's legal drinking age, security or the
6 operation of any vehicle or heavy machinery.

7 14. For a licensee or other person to serve, sell or furnish spirituous
8 liquor to a disorderly or obviously intoxicated person, or for a licensee or
9 employee of the licensee to allow or permit a disorderly or obviously
10 intoxicated person to come into or remain on or about the premises, except
11 that a licensee or an employee of the licensee may allow an obviously
12 intoxicated person to remain on the premises for a period of time of not to
13 exceed thirty minutes after the state of obvious intoxication is known or
14 should be known to the licensee in order that a nonintoxicated person may
15 transport the obviously intoxicated person from the premises. For the
16 purposes of this section, "obviously intoxicated" means inebriated to the
17 extent that a person's physical faculties are substantially impaired and the
18 impairment is shown by significantly uncoordinated physical action or
19 significant physical dysfunction that would have been obvious to a reasonable
20 person.

21 15. For an on-sale or off-sale retailer or an employee of such retailer
22 to sell, dispose of, deliver or give spirituous liquor to a person between
23 the hours of 2:00 a.m. and 6:00 a.m. on weekdays, and 2:00 a.m. and
24 10:00 a.m. on Sundays.

25 16. For a licensee or employee to knowingly permit any person on or
26 about the licensed premises to give or furnish any spirituous liquor to any
27 person under ~~the age of~~ twenty-one YEARS OF AGE or knowingly permit any
28 person under ~~the age of~~ twenty-one YEARS OF AGE to have in the person's
29 possession spirituous liquor on the licensed premises.

30 17. For an on-sale retailer or an employee of such retailer to allow a
31 person to consume or possess spirituous liquors on the premises between the
32 hours of 2:30 a.m. and 6:00 a.m. on weekdays, and 2:30 a.m. and 10:00 a.m. on
33 Sundays.

34 18. For an on-sale retailer to permit an employee or for an employee to
35 solicit or encourage others, directly or indirectly, to buy the employee
36 drinks or anything of value in the licensed premises during the employee's
37 working hours. No on-sale retailer shall serve employees or allow a patron
38 of the establishment to give spirituous liquor to, purchase liquor for or
39 drink liquor with any employee during the employee's working hours.

40 19. For an off-sale retailer or employee to sell spirituous liquor
41 except in the original unbroken container, to permit spirituous liquor to be
42 consumed on the premises or to knowingly permit spirituous liquor to be
43 consumed on adjacent property under the licensee's exclusive control.

44 20. For a person to consume spirituous liquor in a public place,
45 thoroughfare or gathering. The license of a licensee permitting a violation

1 of this paragraph on the premises shall be subject to revocation. This
2 paragraph does not apply to the sale of spirituous liquors on the premises of
3 and by an on-sale retailer. This paragraph also does not apply to a person
4 consuming beer from a broken package in a public recreation area or on
5 private property with permission of the owner or lessor or on the walkways
6 surrounding such private property.

7 21. For a person to have possession of or to transport spirituous
8 liquor which is manufactured in a distillery, winery, brewery or rectifying
9 plant contrary to the laws of the United States and this state. Any property
10 used in transporting such spirituous liquor shall be forfeited to the state
11 and shall be seized and disposed of as provided in section 4-221.

12 22. For an on-sale retailer or employee to allow a person under the
13 legal drinking age to remain in an area on the licensed premises during those
14 hours in which its primary use is the sale, dispensing or consumption of
15 alcoholic beverages after the licensee, or the licensee's employees, know or
16 should have known that the person is under the legal drinking age. An
17 on-sale retailer may designate an area of the licensed premises as an area in
18 which spirituous liquor will not be sold or consumed for the purpose of
19 allowing underage persons on the premises if the designated area is separated
20 by a physical barrier and at no time will underage persons have access to the
21 area in which spirituous liquor is sold or consumed. A licensee or an
22 employee of a licensee may require a person who intends to enter a licensed
23 premises or a portion of a licensed premises where persons under the legal
24 drinking age are prohibited under this section to exhibit a written
25 instrument of identification that is acceptable under section 4-241 as a
26 condition of entry. The director, or a municipality, may adopt rules to
27 regulate the presence of underage persons on licensed premises provided the
28 rules adopted by a municipality are more stringent than those adopted by the
29 director. The rules adopted by the municipality shall be adopted by local
30 ordinance and shall not interfere with the licensee's ability to comply with
31 this paragraph. This paragraph does not apply:

32 (a) If the person under the legal drinking age is accompanied by a
33 spouse, parent or legal guardian of legal drinking age or is an on-duty
34 employee of the licensee.

35 (b) If the owner, lessee or occupant of the premises is a club as
36 defined in section 4-101, paragraph 7, subdivision (a) and the person under
37 the legal drinking age is any of the following:

38 (i) An active duty military service member.

39 (ii) A veteran.

40 (iii) A member of the United States army national guard or the United
41 States air national guard.

42 (iv) A member of the United States military reserve forces.

43 (c) To the area of the premises used primarily for the serving of food
44 during the hours when food is served.

1 23. For an on-sale retailer or employee to conduct drinking contests,
2 to sell or deliver to a person an unlimited number of spirituous liquor
3 beverages during any set period of time for a fixed price, to deliver more
4 than thirty-two ounces of beer, one liter of wine or four ounces of distilled
5 spirits in any spirituous liquor drink to one person at one time for that
6 person's consumption or to advertise any practice prohibited by this
7 paragraph.

8 24. For a licensee or employee to knowingly permit the unlawful
9 possession, use, sale or offer for sale of narcotics, dangerous drugs or
10 marijuana on the premises.

11 25. For a licensee or employee to knowingly permit prostitution or the
12 solicitation of prostitution on the premises.

13 26. For a licensee or employee to knowingly permit unlawful gambling on
14 the premises.

15 27. For a licensee or employee to knowingly permit trafficking or
16 attempted trafficking in stolen property on the premises.

17 28. For a licensee or employee to fail or refuse to make the premises
18 or records available for inspection and examination as provided in this title
19 or to comply with a lawful subpoena issued under this title.

20 29. For any person other than a peace officer, the licensee or an
21 employee of the licensee acting with the permission of the licensee to be in
22 possession of a firearm while on the licensed premises of an on-sale retailer
23 ~~knowing~~, OTHER THAN THE PREMISES OF A RESTAURANT LICENSEE WHO HAS POSTED A
24 NOTICE PURSUANT TO SECTION 4-229, IF THE PERSON KNOWS such possession is
25 prohibited. This paragraph shall not be construed to include a situation in
26 which a person is on licensed premises for a limited time in order to seek
27 emergency aid and such person does not buy, receive, consume or possess
28 spirituous liquor. This paragraph shall not apply to hotel or motel guest
29 room accommodations nor to the exhibition or display of a firearm in
30 conjunction with a meeting, show, class or similar event.

31 30. For a licensee or employee to knowingly permit a person in
32 possession of a firearm other than a peace officer, the licensee or an
33 employee of the licensee acting with the permission of the licensee to remain
34 on the licensed premises OTHER THAN THE PREMISES OF A RESTAURANT LICENSEE WHO
35 HAS POSTED A NOTICE PURSUANT TO SECTION 4-229 or to serve, sell or furnish
36 spirituous liquor to a person in possession of a firearm while on the
37 licensed premises of an on-sale retailer OTHER THAN THE PREMISES OF A
38 RESTAURANT LICENSEE WHO HAS POSTED A NOTICE PURSUANT TO SECTION 4-229. This
39 paragraph shall not apply to hotel or motel guest room accommodations nor to
40 the exhibition or display of a firearm in conjunction with a meeting, show,
41 class or similar event. It shall be a defense to action under this paragraph
42 if the licensee or employee requested assistance of a peace officer to remove
43 such person.

1 31. FOR ANY PERSON IN POSSESSION OF A FIREARM WHILE ON THE LICENSED
2 PREMISES OF A RESTAURANT LICENSEE WHO HAS POSTED A NOTICE PURSUANT TO SECTION
3 4-229 TO CONSUME SPIRITUOUS LIQUOR.

4 32. FOR ANY PERSON IN POSSESSION OF A FIREARM WHILE ON THE LICENSED
5 PREMISES OF A RESTAURANT LICENSEE WHO HAS POSTED A NOTICE PURSUANT TO SECTION
6 4-229 TO REMOVE THE FIREARM FROM A HOLSTER OR TO REMOVE THE FIREARM FROM A
7 PLACE OF LAWFUL CONCEALMENT EXCEPT TO DEFEND THE LIFE OF THAT PERSON OR TO
8 DEFEND THE LIFE OF ANOTHER PERSON.

9 ~~31-~~ 33. For a licensee or employee to knowingly permit spirituous
10 liquor to be removed from the licensed premises, except in the original
11 unbroken package. This paragraph shall not apply to either of the following:

12 (a) A person who removes a bottle of wine which has been partially
13 consumed in conjunction with a purchased meal from licensed premises if a
14 cork is inserted flush with the top of the bottle or the bottle is otherwise
15 securely closed.

16 (b) A person who is in licensed premises that have noncontiguous
17 portions that are separated by a public or private walkway or driveway and
18 who takes spirituous liquor from one portion of the licensed premises across
19 the public or private walkway **OR DRIVEWAY** directly to the other portion of
20 the licensed premises.

21 ~~32-~~ 34. For a person who is obviously intoxicated to buy or attempt to
22 buy spirituous liquor from a licensee or employee of a licensee or to consume
23 spirituous liquor on licensed premises.

24 ~~33-~~ 35. For a person under ~~the age of~~ twenty-one years **OF AGE** to drive
25 or be in physical control of a motor vehicle while there is any spirituous
26 liquor in the person's body.

27 ~~34-~~ 36. For a person under ~~the age of~~ twenty-one years **OF AGE** to
28 operate or be in physical control of a motorized watercraft that is underway
29 while there is any spirituous liquor in the person's body. For the purposes
30 of this paragraph, "underway" has the same meaning prescribed in section
31 5-301.

32 ~~35-~~ 37. For a licensee, manager, employee or controlling person to
33 purposely induce a voter, by means of alcohol, to vote or abstain from voting
34 for or against a particular candidate or issue on an election day.

35 ~~36-~~ 38. For a licensee to fail to report an occurrence of an act of
36 violence to either the department or a law enforcement agency.

37 ~~37-~~ 39. For a licensee to use a vending machine for the purpose of
38 dispensing spirituous liquor.

39 ~~38-~~ 40. For a licensee to offer for sale a wine carrying a label
40 including a reference to Arizona or any Arizona city, town or geographic
41 location unless at least seventy-five per cent by volume of the grapes used
42 in making the wine were grown in Arizona.

43 ~~39-~~ 41. For a retailer to knowingly allow a customer to bring
44 spirituous liquor onto the licensed premises, except that an on-sale retailer
45 may allow a wine and food club to bring wine onto the premises for

1 consumption by the club's members and guests of the club's members in
2 conjunction with meals purchased at a meeting of the club that is conducted
3 on the premises and that at least seven members attend. An on-sale retailer
4 who allows wine and food clubs to bring wine onto its premises under this
5 paragraph shall comply with all applicable provisions of this title and any
6 rules adopted pursuant to this title to the same extent as if the on-sale
7 retailer had sold the wine to the members of the club and their guests. For
8 the purposes of this paragraph, "wine and food club" means an association
9 that has more than twenty bona fide members paying at least six dollars per
10 year in dues and that has been in existence for at least one year.

11 ~~40-~~ 42. For a person under ~~the age of~~ twenty-one years **OF AGE** to have
12 in the person's body any spirituous liquor. In a prosecution for a violation
13 of this paragraph:

14 (a) Pursuant to section 4-249, it is a defense that the spirituous
15 liquor was consumed in connection with the bona fide practice of a religious
16 belief or as an integral part of a religious exercise and in a manner not
17 dangerous to public health or safety.

18 (b) Pursuant to section 4-226, it is a defense that the spirituous
19 liquor was consumed for a bona fide medicinal purpose and in a manner not
20 dangerous to public health or safety.

21 ~~41-~~ 43. For an employee of a licensee to accept any gratuity,
22 compensation, remuneration or consideration of any kind to either:

23 (a) Permit a person who is under twenty-one years of age to enter any
24 portion of the premises where that person is prohibited from entering
25 pursuant to paragraph 22 of this section.

26 (b) Sell, furnish, dispose of or give spirituous liquor to a person
27 who is under twenty-one years of age.

28 ~~42-~~ 44. For a person to purchase, offer for sale or use any device,
29 machine or process which mixes spirituous liquor with pure oxygen or another
30 gas to produce a vaporized product for the purpose of consumption by
31 inhalation.

32 ~~43-~~ 45. For a retail licensee or an employee of a retail licensee to
33 sell spirituous liquor to a person if the retail licensee or employee knows
34 the person intends to resell the spirituous liquor.

35 Sec. 4. Section 4-246, Arizona Revised Statutes, is amended to read:

36 **4-246. Violation; classification**

37 A. A person violating any provision of this title is guilty of a class
38 2 misdemeanor unless another classification is prescribed.

39 B. A person violating section 4-244, paragraph 9, 14, ~~33, 41 or 43~~ **35,**
40 **43 OR 45** is guilty of a class 1 misdemeanor.

41 C. In addition to any other penalty prescribed by law, the court may
42 suspend the privilege to drive of a person under eighteen years of age for a
43 period of up to one hundred eighty days on receiving the record of the
44 person's first conviction for a violation of section 4-244, paragraph 9.

1 D. In addition to any other penalty prescribed by law, a person who is
2 convicted of a violation of section 4-244, paragraph ~~41~~ 43 shall pay a fine
3 of not less than five hundred dollars.

4 E. In addition to any other penalty prescribed by law, a person who is
5 convicted of a violation of section 4-241, subsection L, M or N shall pay a
6 fine of not less than two hundred fifty dollars.

7 Sec. 5. Section 5-395.03, Arizona Revised Statutes, is amended to
8 read:

9 5-395.03. Test for alcohol concentration or drug content;
10 refusal; civil penalty

11 A. Any person who operates a motorized watercraft that is underway
12 within this state shall submit, subject to section 4-244, paragraph ~~34~~ 36,
13 section 5-395 or section 5-396, to a test or tests of the person's blood,
14 breath, urine or other bodily substance for the purpose of determining
15 alcohol concentration or drug content if the person is arrested for any
16 offense arising out of acts alleged to have been committed in violation of
17 this chapter or section 4-244, paragraph ~~34~~ 36 while the person was operating
18 or in actual physical control of a motorized watercraft that was underway
19 while under the influence of intoxicating liquor or drugs. The test or tests
20 chosen by the law enforcement agency shall be administered at the direction
21 of a law enforcement officer having reasonable grounds to believe the person
22 to have been operating or in actual physical control of a motorized
23 watercraft that is underway within this state while under the influence of
24 intoxicating liquor or drugs, or if the person is under twenty-one years of
25 age, with spirituous liquor in the person's body.

26 B. Following an arrest a violator shall be requested to submit to and
27 successfully complete any test or tests prescribed by subsection A of this
28 section, and if the violator refuses the violator shall be informed that the
29 violator is subject to a civil penalty.

30 C. A person who refuses any test or tests prescribed by subsection A
31 of this section is subject to a civil penalty of seven hundred fifty dollars
32 and shall pay an additional civil penalty of five hundred dollars. ~~to~~ THE
33 ADDITIONAL CIVIL PENALTY OF FIVE HUNDRED DOLLARS SHALL be deposited by the
34 state treasurer in the prison construction and operations fund established by
35 section 41-1651. ~~The additional civil penalty of five hundred dollars AND~~ is
36 not subject to any surcharge. If the additional civil penalty is imposed by
37 the superior court or a justice court, the court shall transmit the amount
38 collected for the additional civil penalty to the county treasurer. If the
39 additional civil penalty is imposed by a municipal court, the court shall
40 transmit the amount collected for the additional civil penalty to the city
41 treasurer. The city or county treasurer shall transmit the monies received
42 pursuant to this subsection to the state treasurer.

43 D. If a person under arrest refuses to submit to the test designated
44 by the law enforcement agency as provided in subsection A of this section

1 none shall be given, except as provided in section 5-395, subsection J or
2 pursuant to a search warrant.

3 Sec. 6. Section 13-3102, Arizona Revised Statutes, is amended to read:

4 13-3102. Misconduct involving weapons; defenses;
5 classification; definitions

6 A. A person commits misconduct involving weapons by knowingly:

7 1. Carrying a deadly weapon without a permit pursuant to section
8 13-3112 except a pocket knife concealed on his person; or

9 2. Carrying a deadly weapon without a permit pursuant to section
10 13-3112 concealed within immediate control of any person in or on a means of
11 transportation; or

12 3. Manufacturing, possessing, transporting, selling or transferring a
13 prohibited weapon; or

14 4. Possessing a deadly weapon or prohibited weapon if such person is a
15 prohibited possessor; or

16 5. Selling or transferring a deadly weapon to a prohibited possessor;
17 or

18 6. Defacing a deadly weapon; or

19 7. Possessing a defaced deadly weapon knowing the deadly weapon was
20 defaced; or

21 8. Using or possessing a deadly weapon during the commission of any
22 felony offense included in chapter 34 of this title; or

23 9. Discharging a firearm at an occupied structure in order to assist,
24 promote or further the interests of a criminal street gang, a criminal
25 syndicate or a racketeering enterprise; or

26 10. Unless specifically authorized by law, entering any public
27 establishment or attending any public event and carrying a deadly weapon on
28 his person after a reasonable request by the operator of the establishment or
29 the sponsor of the event or the sponsor's agent to remove his weapon and
30 place it in the custody of the operator of the establishment or the sponsor
31 of the event for temporary and secure storage of the weapon pursuant to
32 section 13-3102.01; or

33 11. Unless specifically authorized by law, entering an election polling
34 place on the day of any election carrying a deadly weapon; or

35 12. Possessing a deadly weapon on school grounds; or

36 13. Unless specifically authorized by law, entering a nuclear or
37 hydroelectric generating station carrying a deadly weapon on his person or
38 within the immediate control of any person; or

39 14. Supplying, selling or giving possession or control of a firearm to
40 another person if the person knows or has reason to know that the other
41 person would use the firearm in the commission of any felony; or

42 15. Using, possessing or exercising control over a deadly weapon in
43 furtherance of any act of terrorism as defined in section 13-2301 or
44 possessing or exercising control over a deadly weapon knowing or having

1 reason to know that it will be used to facilitate any act of terrorism as
2 defined in section 13-2301.

3 16. UNLESS SPECIFICALLY AUTHORIZED BY LAW, ENTERING A PREMISES LICENSED
4 AS A RESTAURANT PURSUANT TO SECTION 4-205.02 AND SECTION 4-209, SUBSECTION B,
5 PARAGRAPH 12 CARRYING A FIREARM ON HIS PERSON OR WITHIN THE IMMEDIATE CONTROL
6 OF THE PERSON IF THE RESTAURANT LICENSEE HAS NOT POSTED A SIGN AT EACH
7 ENTRANCE TO THE PREMISES THAT STATES THAT THE CARRYING OF A FIREARM ON THE
8 PREMISES IS ALLOWED. THIS PARAGRAPH DOES NOT APPLY TO THE LICENSEE OR AN
9 EMPLOYEE OF THE LICENSEE ACTING WITH THE PERMISSION OF THE LICENSEE.

10 B. Subsection A, paragraph 1 of this section shall not apply to a
11 person in his dwelling, on his business premises or on real property owned or
12 leased by that person.

13 C. Subsection A, paragraphs 1, 2, 3, 7, 10, 11, 12, ~~and~~ 13 AND 16 of
14 this section shall not apply to:

15 1. A peace officer or any person summoned by any peace officer to
16 assist and while actually assisting in the performance of official duties; or

17 2. A member of the military forces of the United States or of any
18 state of the United States in the performance of official duties; or

19 3. A warden, deputy warden or correctional officer of the state
20 department of corrections; or

21 4. A person specifically licensed, authorized or permitted pursuant to
22 a statute of this state or of the United States.

23 D. Subsection A, paragraphs 3 and 7 of this section shall not apply
24 to:

25 1. The possessing, transporting, selling or transferring of weapons by
26 a museum as a part of its collection or an educational institution for
27 educational purposes or by an authorized employee of such museum or
28 institution, if:

29 (a) Such museum or institution is operated by the United States or
30 this state or a political subdivision of this state, or by an organization
31 described in 26 United States Code section 170(c) as a recipient of a
32 charitable contribution; and

33 (b) Reasonable precautions are taken with respect to theft or misuse
34 of such material.

35 2. The regular and lawful transporting as merchandise; or

36 3. Acquisition by a person by operation of law such as by gift, devise
37 or descent or in a fiduciary capacity as a recipient of the property or
38 former property of an insolvent, incapacitated or deceased person.

39 E. Subsection A, paragraph 3 of this section shall not apply to the
40 merchandise of an authorized manufacturer of or dealer in prohibited weapons,
41 when such material is intended to be manufactured, possessed, transported,
42 sold or transferred solely for or to a dealer, a regularly constituted or
43 appointed state, county or municipal police department or police officer, a
44 detention facility, the military service of this or another state or the

1 United States, a museum or educational institution or a person specifically
2 licensed or permitted pursuant to federal or state law.

3 F. Subsection A, paragraph 1 of this section shall not apply to a
4 weapon or weapons carried in a belt holster ~~which holster~~ THAT is wholly or
5 partially visible, ~~or~~ carried in a scabbard or case designed for carrying
6 weapons ~~which scabbard or case~~ THAT is wholly or partially visible or carried
7 in luggage. Subsection A, paragraph 2 of this section shall not apply to a
8 weapon or weapons carried in a case, holster, scabbard, pack or luggage that
9 is carried within a means of transportation or within a storage compartment,
10 map pocket, trunk or glove compartment of a means of transportation.

11 G. Subsection A, paragraph 10 of this section shall not apply to
12 shooting ranges or shooting events, hunting areas or similar locations or
13 activities.

14 H. Subsection A, paragraph 3 of this section shall not apply to a
15 weapon described in section 13-3101, subsection A, paragraph 7, subdivision
16 (e), if such weapon is possessed for the purposes of preparing for,
17 conducting or participating in lawful exhibitions, demonstrations, contests
18 or athletic events involving the use of such weapon. Subsection A, paragraph
19 12 of this section shall not apply to a weapon if such weapon is possessed
20 for the purposes of preparing for, conducting or participating in hunter or
21 firearm safety courses.

22 I. Subsection A, paragraph 12 of this section shall not apply to the
23 possession of a:

24 1. Firearm that is not loaded and that is carried within a means of
25 transportation under the control of an adult provided that if the adult
26 leaves the means of transportation the firearm shall not be visible from the
27 outside of the means of transportation and the means of transportation shall
28 be locked.

29 2. Firearm for use on the school grounds in a program approved by a
30 school.

31 J. The operator of the establishment or the sponsor of the event or
32 the employee of the operator or sponsor or the agent of the sponsor,
33 including a public entity or public employee, is not liable for acts or
34 omissions pursuant to subsection A, paragraph 10 of this section unless the
35 operator, sponsor, employee or agent intended to cause injury or was grossly
36 negligent.

37 K. Misconduct involving weapons under subsection A, paragraph 9, 14 or
38 15 of this section is a class 3 felony. Misconduct involving weapons under
39 subsection A, paragraph 3, 4, 8 or 13 of this section is a class 4 felony.
40 Misconduct involving weapons under subsection A, paragraph 12 of this section
41 is a class 1 misdemeanor unless the violation occurs in connection with
42 conduct which violates ~~the provisions of~~ section 13-2308, subsection A,
43 paragraph 5, section 13-2312, subsection C, section 13-3409 or section
44 13-3411, in which case the offense is a class 6 felony. Misconduct involving
45 weapons under subsection A, paragraph 5, 6 or 7 of this section is a class 6

1 felony. Misconduct involving weapons under subsection A, paragraph 1, 2, 10
2 ~~or~~, 11 OR 16 of this section is a class 1 misdemeanor.

3 L. For the purposes of this section:

4 1. "Public establishment" means a structure, vehicle or craft that is
5 owned, leased or operated by this state or a political subdivision of this
6 state.

7 2. "Public event" means a specifically named or sponsored event of
8 limited duration THAT IS either conducted by a public entity or conducted by
9 a private entity with a permit or license granted by a public entity. Public
10 event does not include an unsponsored gathering of people in a public place.

11 3. "School" means a public or nonpublic kindergarten program, common
12 school or high school.

13 4. "School grounds" means in, or on the grounds of, a school.

14 Sec. 7. Section 28-1321, Arizona Revised Statutes, is amended to read:

15 28-1321. Implied consent; tests; refusal to submit to test;
16 order of suspension; hearing; review; temporary
17 permit; notification of suspension; special ignition
18 interlock restricted driver license

19 A. A person who operates a motor vehicle in this state gives consent,
20 subject to section 4-244, paragraph ~~33~~ 35 or section 28-1381, 28-1382 or
21 28-1383, to a test or tests of the person's blood, breath, urine or other
22 bodily substance for the purpose of determining alcohol concentration or drug
23 content if the person is arrested for any offense arising out of acts alleged
24 to have been committed in violation of this chapter or section 4-244,
25 paragraph ~~33~~ 35 while the person was driving or in actual physical control of
26 a motor vehicle while under the influence of intoxicating liquor or drugs.
27 The test or tests chosen by the law enforcement agency shall be administered
28 at the direction of a law enforcement officer having reasonable grounds to
29 believe that the person was driving or in actual physical control of a motor
30 vehicle in this state either:

31 1. While under the influence of intoxicating liquor or drugs.

32 2. If the person is under twenty-one years of age, with spirituous
33 liquor in the person's body.

34 B. After an arrest a violator shall be requested to submit to and
35 successfully complete any test or tests prescribed by subsection A of this
36 section, and if the violator refuses the violator shall be informed that the
37 violator's license or permit to drive will be suspended or denied for twelve
38 months, or for two years for a second or subsequent refusal within a period
39 of eighty-four months, unless the violator expressly agrees to submit to and
40 successfully completes the test or tests. A failure to expressly agree to
41 the test or successfully complete the test is deemed a refusal. The violator
42 shall also be informed that if the test results show a blood or breath
43 alcohol concentration of 0.08 or more, or if the results show a blood or
44 breath alcohol concentration of 0.04 or more and the violator was driving or
45 in actual physical control of a commercial motor vehicle, the violator's

1 license or permit to drive will be suspended or denied for not less than
2 ninety consecutive days.

3 C. A person who is dead, unconscious or otherwise in a condition
4 rendering the person incapable of refusal is deemed not to have withdrawn the
5 consent provided by subsection A of this section and the test or tests may be
6 administered, subject to section 4-244, paragraph ~~33~~ 35 or section 28-1381,
7 28-1382 or 28-1383.

8 D. If a person under arrest refuses to submit to the test designated
9 by the law enforcement agency as provided in subsection A of this section:

10 1. The test shall not be given, except as provided in section 28-1388,
11 subsection E or pursuant to a search warrant.

12 2. The law enforcement officer directing the administration of the
13 test shall:

14 (a) File a certified report of the refusal with the department.

15 (b) On behalf of the department, serve an order of suspension on the
16 person that is effective fifteen days after the date the order is served.

17 (c) Require the immediate surrender of any license or permit to drive
18 that is issued by this state and that is in the possession or control of the
19 person.

20 (d) If the license or permit is not surrendered, state the reason why
21 it is not surrendered.

22 (e) If a valid license or permit is surrendered, issue a temporary
23 driving permit that is valid for fifteen days.

24 (f) Forward the certified report of refusal, a copy of the completed
25 notice of suspension, a copy of any completed temporary permit and any driver
26 license or permit taken into possession under this section to the department
27 within five days after the issuance of the notice of suspension.

28 E. The certified report is subject to the penalty for perjury as
29 prescribed by section 28-1561 and shall state all of the following:

30 1. The officer's reasonable grounds to believe that the arrested
31 person was driving or in actual physical control of a motor vehicle in this
32 state either:

33 (a) While under the influence of intoxicating liquor or drugs.

34 (b) If the person is under twenty-one years of age, with spirituous
35 liquor in the person's body.

36 2. The manner in which the person refused to submit to the test or
37 tests.

38 3. That the person was advised of the consequences of refusal.

39 F. On receipt of the certified report of refusal and a copy of the
40 order of suspension and on the effective date stated on the order, the
41 department shall enter the order of suspension on its records unless a
42 written request for a hearing as provided in this section has been filed by
43 the accused person. If the department receives only the certified report of
44 refusal, the department shall notify the person named in the report in
45 writing sent by mail that:

1 1. Fifteen days after the date of issuance of the notice the
2 department will suspend the person's license or permit, driving privilege or
3 nonresident driving privilege.

4 2. The department will provide an opportunity for a hearing if the
5 person requests a hearing in writing and the request is received by the
6 department within fifteen days after the notice is sent.

7 G. The order of suspension issued by a law enforcement officer or the
8 department under this section shall notify the person that:

9 1. The person may submit a written request for a hearing.

10 2. The request for a hearing must be received by the department within
11 fifteen days after the date of the notice or the order of suspension will
12 become final.

13 3. The affected person's license or permit to drive or right to apply
14 for a license or permit or any nonresident operating privilege will be
15 suspended for twelve months from that date or for two years from that date
16 for a second or subsequent refusal within a period of eighty-four months.

17 H. The order for suspension shall:

18 1. Be accompanied by printed forms that are ready to mail to the
19 department and that may be filled out and signed by the person to indicate
20 the person's desire for a hearing.

21 2. Advise the person that unless the person has surrendered any driver
22 license or permit issued by this state the person's hearing request will not
23 be accepted, except that the person may certify pursuant to section 28-3170
24 that the license or permit is lost or destroyed.

25 I. On the receipt of a request for a hearing, the department shall set
26 the hearing within thirty days in the county in which the person named in the
27 report resides unless the law enforcement agency filing the certified report
28 of refusal pursuant to subsection D of this section requests at the time of
29 its filing that the hearing be held in the county where the refusal occurred.

30 J. A timely request for a hearing stays the suspension until a hearing
31 is held, except that the department shall not return any surrendered license
32 or permit to the person but may issue temporary permits to drive that expire
33 no later than when the department has made its final decision. If the person
34 is a resident without a license or permit or has an expired license or
35 permit, the department may allow the person to apply for a license or
36 permit. If the department determines the person is otherwise entitled to the
37 license or permit, the department shall issue and retain a license or permit
38 subject to this section.

39 K. Hearings requested under this section shall be conducted in the
40 same manner and under the same conditions as provided in section
41 28-3306. For the purposes of this section, the scope of the hearing shall
42 include only the issues of whether:

43 1. A law enforcement officer had reasonable grounds to believe that
44 the person was driving or was in actual physical control of a motor vehicle
45 in this state either:

1 (a) While under the influence of intoxicating liquor or drugs.
2 (b) If the person is under twenty-one years of age, with spirituous
3 liquor in the person's body.
4 2. The person was placed under arrest.
5 3. The person refused to submit to the test.
6 4. The person was informed of the consequences of refusal.
7 L. If the department determines at the hearing to suspend the affected
8 person's privilege to operate a motor vehicle, the suspension provided in
9 this section is effective fifteen days after giving written notice of the
10 suspension, except that the department may issue or extend a temporary
11 license that expires on the effective date of the suspension. If the person
12 is a resident without a license or permit or has an expired license or permit
13 to operate a motor vehicle in this state, the department shall deny to the
14 person the issuance of a license or permit for a period of twelve months
15 after the order of suspension becomes effective or for a period of two years
16 after the order of suspension becomes effective for a second or subsequent
17 refusal within a period of eighty-four months.
18 M. If the suspension order is sustained after the hearing, a motion
19 for rehearing is not required. Within thirty days after a suspension order
20 is sustained, the affected person may file a petition in the superior court
21 to review the final order of suspension or denial by the department in the
22 same manner provided in section 28-3317. The court shall hear the review of
23 the final order of suspension or denial on an expedited basis.
24 N. If the suspension or determination that there should be a denial of
25 issuance is not sustained, the ruling is not admissible in and has no effect
26 on any administrative, civil or criminal court proceeding.
27 O. If it has been determined under the procedures of this section that
28 a nonresident's privilege to operate a motor vehicle in this state has been
29 suspended, the department shall give information in writing of the action
30 taken to the motor vehicle administrator of the state of the person's
31 residence and of any state in which the person has a license.
32 P. After completing not less than ninety consecutive days of the
33 period of suspension required by this section, a person whose driving
34 privilege is suspended pursuant to this section may apply to the department
35 for a special ignition interlock restricted driver license pursuant to
36 section 28-1401. Unless the certified ignition interlock period is extended
37 by the department pursuant to section 28-1402, a person who is issued a
38 special ignition interlock restricted driver license as provided in this
39 subsection shall maintain a functioning certified ignition interlock device
40 in compliance with this chapter during the remaining period of the suspension
41 prescribed by this section. This subsection does not apply to a person whose
42 driving privilege is suspended for a second or subsequent refusal within a
43 period of eighty-four months or a person who within a period of eighty-four
44 months has been convicted of a second or subsequent violation of article 3 of
45 this chapter or section 4-244, paragraph ~~33~~ 35 or an act in another

1 jurisdiction that if committed in this state would be a violation of article
2 3 of this chapter or section 4-244, paragraph ~~33~~ 35.

3 Sec. 8. Section 28-1385, Arizona Revised Statutes, is amended to read:
4 28-1385. Administrative license suspension for driving under
5 the influence; report; hearing; summary review

6 A. A law enforcement officer shall forward to the department a
7 certified report as prescribed in subsection B of this section, subject to
8 the penalty for perjury prescribed by section 28-1561, if both of the
9 following occur:

10 1. The officer arrests a person for a violation of section 4-244,
11 paragraph ~~33~~ 35, section 28-1381, section 28-1382 or section 28-1383.

12 2. The person submits to a blood or breath alcohol test permitted by
13 section 28-1321, the results of which indicate either:

14 (a) 0.08 or more alcohol concentration in the person's blood or
15 breath.

16 (b) 0.04 or more alcohol concentration in the person's blood or breath
17 if the person was driving or in actual physical control of a commercial motor
18 vehicle.

19 B. The officer shall make the certified report required by subsection
20 A of this section on forms supplied or approved by the department. The
21 report shall state information that is relevant to the enforcement action,
22 including:

23 1. Information that adequately identifies the arrested person.

24 2. A statement of the officer's grounds for belief that the person was
25 driving or in actual physical control of a motor vehicle in violation of
26 section 4-244, paragraph ~~33~~ 35, section 28-1381 or section 28-1382.

27 3. A statement that the person was arrested for a violation of section
28 4-244, paragraph ~~33~~ 35, section 28-1381, section 28-1382 or section 28-1383.

29 4. A report of the results of the chemical test that was administered.

30 C. The officer shall also serve an order of suspension on the person
31 on behalf of the department. The order of suspension:

32 1. Is effective fifteen days after the date it is served.

33 2. Shall require the immediate surrender of any license or permit to
34 drive that is issued by this state and that is in the possession or control
35 of the person.

36 3. Shall contain information concerning the right to a summary review
37 and hearing, including information concerning the hearing as required by
38 section 28-1321, subsections G and H.

39 4. Shall be accompanied by printed forms ready to mail to the
40 department that the person may fill out and sign to indicate the person's
41 desire for a hearing.

42 5. Shall be entered on the department's records on receipt of the
43 report by the officer and a copy of the order of suspension.

44 D. If the license or permit is not surrendered pursuant to subsection
45 C of this section, the officer shall state the reason for the nonsurrender.

1 If a valid license or permit is surrendered, the officer shall issue a
2 temporary driving permit that is valid for fifteen days. The officer shall
3 forward a copy of the completed order of suspension, a copy of any completed
4 temporary permit and any driver license or permit taken into possession under
5 this section to the department within five days after the issuance of the
6 order of suspension along with the report.

7 E. The department shall suspend the affected person's license or
8 permit to drive or right to apply for a license or permit or any nonresident
9 operating privilege for not less than ninety consecutive days from that date.

10 F. Notwithstanding subsections A through E of this section, the
11 department shall suspend the driving privileges of the person described in
12 subsection A of this section for not less than thirty consecutive days and
13 shall restrict the driving privileges of the person for not less than sixty
14 consecutive additional days to travel between the person's place of
15 employment and residence and during specified periods of time while at
16 employment, to travel between the person's place of residence and the
17 person's secondary or postsecondary school, according to the person's
18 employment or educational schedule, to travel between the person's place of
19 residence and the office of the person's probation officer for scheduled
20 appointments or to travel between the person's place of residence and a
21 screening, education or treatment facility for scheduled appointments if the
22 person:

23 1. Did not cause serious physical injury as defined in section 13-105
24 to another person during the course of conduct out of which the current
25 action arose.

26 2. Has not been convicted of a violation of section 28-1381, 28-1382
27 or 28-1383 within eighty-four months of the date of commission of the acts
28 out of which the current action arose. The dates of commission of the acts
29 are the determining factor in applying the eighty-four month provision.

30 3. Has not had the person's privilege to drive suspended pursuant to
31 this section or section 28-1321 within eighty-four months of the date of
32 commission of the acts out of which the current action arose.

33 G. If the department receives only the report of the results of the
34 blood or breath alcohol test and the results indicate 0.08 or more alcohol
35 concentration in the person's blood or breath, or show a blood or breath
36 alcohol concentration of 0.04 or more and the person was driving or in actual
37 physical control of a commercial motor vehicle, the department shall notify
38 the person named in the report in writing sent by mail that fifteen days
39 after the date of issuance of the notice the department will suspend the
40 person's license or permit, driving privilege or nonresident driving
41 privilege. The notice shall also state that the department will provide an
42 opportunity for a hearing and administrative review if the person requests a
43 hearing or review in writing and the request is received by the department
44 within fifteen days after the notice is sent.

1 H. A timely request for a hearing stays the suspension until a hearing
2 is held, except that the department shall not return any surrendered license
3 or permit to the person but may issue temporary permits to drive that expire
4 no later than when the department has made its final decision. If the person
5 is a resident without a license or permit or has an expired license or
6 permit, the department may allow the person to apply for a license or permit.
7 If the department determines the person is otherwise entitled to the license
8 or permit, the department shall issue, but retain, the license or permit,
9 subject to this section. All hearings requested under this section shall be
10 conducted in the same manner and under the same conditions as provided in
11 section 28-3306.

12 I. For the purposes of this section, the scope of the hearing shall
13 include only the following issues:

14 1. Whether the officer had reasonable grounds to believe the person
15 was driving or was in actual physical control of a motor vehicle while under
16 the influence of intoxicating liquor.

17 2. Whether the person was placed under arrest for a violation of
18 section 4-244, paragraph ~~33~~ 35, section 28-1381, section 28-1382 or section
19 28-1383.

20 3. Whether a test was taken, the results of which indicated the
21 alcohol concentration in the person's blood or breath at the time the test
22 was administered of either:

23 (a) 0.08 or more.

24 (b) 0.04 or more if the person was driving or in actual physical
25 control of a commercial motor vehicle.

26 4. Whether the testing method used was valid and reliable.

27 5. Whether the test results were accurately evaluated.

28 J. The results of the blood or breath alcohol test shall be admitted
29 on establishing the requirements in section 28-1323 or 28-1326.

30 K. If the department determines at the hearing to suspend the affected
31 person's privilege to operate a motor vehicle, the suspension provided in
32 this section is effective fifteen days after giving written notice of the
33 suspension, except that the department may issue or extend a temporary
34 license that expires on the effective date of the suspension. If the person
35 is a resident without a license or permit or has an expired license or permit
36 to operate a motor vehicle in this state, the department shall deny the
37 issuance of a license or permit to the person for not less than ninety
38 consecutive days.

39 L. A person may apply for a summary review of an order issued pursuant
40 to this section instead of a hearing at any time before the effective date of
41 the order. The person shall submit the application in writing to any
42 department driver license examining office together with any written
43 explanation as to why the department should not suspend the driving
44 privilege. The agent of the department receiving the notice shall issue to
45 the person an additional driving permit that expires twenty days from the

1 date the request is received. The department shall review all reports
2 submitted by the officer and any written explanation submitted by the person
3 and shall determine if the order of suspension should be sustained or
4 cancelled. The department shall not hold a hearing, and the review is not
5 subject to title 41, chapter 6. The department shall notify the person of
6 its decision before the temporary driving permit expires.

7 M. If the suspension or determination that there should be a denial of
8 issuance is not sustained after a hearing or review, the ruling is not
9 admissible in and does not have any effect on any civil or criminal court
10 proceeding.

11 N. If it has been determined under the procedures of this section that
12 a nonresident's privilege to operate a motor vehicle in this state has been
13 suspended, the department shall give information in writing of the action
14 taken to the motor vehicle administrator of the state of the person's
15 residence and of any state in which the person has a license.

16 Sec. 9. Section 28-3320, Arizona Revised Statutes, is amended to read:
17 28-3320. Suspension of license for persons under eighteen years
18 of age; notice; definition

19 A. In addition to the grounds for mandatory suspension or revocation
20 provided for in chapters 3, 4 and 5 of this title, the department shall
21 immediately suspend the driver license or privilege to drive or refuse to
22 issue a driver license or privilege to drive of a person who commits an
23 offense while under eighteen years of age as follows:

24 1. For a period of two years on receiving the record of the person's
25 conviction for a violation of section 4-244, paragraph ~~33~~ 35, section 28-1381
26 or section 28-1382.

27 2. For a period of three years on receiving the record of the person's
28 conviction for a violation of section 28-1383.

29 3. Until the person's eighteenth birthday on receiving the record of
30 the person's conviction for a violation of section 13-1602, subsection A,
31 paragraph 1 or section 13-1604, subsection A involving the damage or
32 disfigurement of property by graffiti.

33 4. Until the person's eighteenth birthday on receiving the record of
34 the person's conviction of criminal damage pursuant to section 13-1602,
35 subsection A, paragraph 5 or a violation of a city or town ordinance that
36 prohibits the type of criminal action prescribed in section 13-1602,
37 subsection A, paragraph 5.

38 5. Until the person's eighteenth birthday on receiving the record of
39 the person's conviction for a violation of any statute or ordinance involving
40 the purchase or possession of materials used for graffiti.

41 6. Until the person's eighteenth birthday on receiving the record of
42 the person's conviction for a violation of any provision of title 13,
43 chapter 34.

1 7. Until the person's eighteenth birthday or for a period of two years
2 on receiving the record of the person's conviction for a second or subsequent
3 violation of section 4-244, paragraph 9, if ordered by the court.

4 8. Until the person's eighteenth birthday on receiving the record of
5 the person's conviction of theft of a motor vehicle pursuant to section
6 13-1802, unlawful use of means of transportation pursuant to section 13-1803
7 or theft of means of transportation pursuant to section 13-1814.

8 B. If ordered by the court, the department shall restrict the person's
9 privilege to drive between the person's home, school and place of employment
10 during specified periods of time according to the person's school and
11 employment schedule.

12 C. If a person commits an offense prescribed in subsection A,
13 paragraph 1 of this section and the person's privilege to drive is restricted
14 as prescribed in subsection B of this section, the department shall issue a
15 special ignition interlock restricted driver license to the person pursuant
16 to section 28-1401.

17 D. If ordered by the court pursuant to section 4-246, subsection C,
18 the department shall suspend the driving privilege of a person under ~~the age~~
19 ~~of~~ **YEARS OF AGE** for a period of up to one hundred eighty days on
20 receiving the record of the person's first conviction for a violation of
21 section 4-244, paragraph 9.

22 E. For the purposes of this section, "conviction" means a final
23 conviction or judgment, including an order of the juvenile court finding that
24 a juvenile violated any provision of this title or committed a delinquent act
25 that if committed by an adult would constitute a criminal offense.

26 Sec. 10. Section 28-3322, Arizona Revised Statutes, is amended to
27 read:

28 **28-3322. Suspension of license for persons eighteen, nineteen**
29 **and twenty years of age; definition**

30 A. In addition to the grounds for mandatory suspension or revocation
31 provided for in chapters 3, 4 and 5 of this title, the department shall
32 immediately suspend the driver license or privilege to drive or refuse to
33 issue a driver license or privilege to drive of a person who commits a
34 violation of section 4-244, paragraph ~~33~~ **35** while the person is eighteen,
35 nineteen or twenty years of age on receipt of the record of the person's
36 conviction for a violation of section 4-244, paragraph ~~33~~ **35** for a period of
37 two years.

38 B. If ordered by the court, the department shall restrict the person's
39 privilege to drive between the person's home, school and place of employment
40 during specified periods of time according to the person's school and
41 employment schedule.

42 C. If a person's privilege to drive is restricted as prescribed in
43 subsection B of this section, the department shall issue a special ignition
44 interlock restricted driver license to the person pursuant to section
45 28-1401.

1 D. For the purposes of this section, "conviction" means a final
2 conviction or judgment, including an order of the juvenile court finding that
3 a juvenile violated any provision of this title or committed a delinquent act
4 that if committed by an adult would constitute a criminal offense.

5 Sec. 11. Section 28-3511, Arizona Revised Statutes, is amended to
6 read:

7 28-3511. Removal and immobilization or impoundment of vehicle

8 A. A peace officer shall cause the removal and either immobilization
9 or impoundment of a vehicle if the peace officer determines that a person is
10 driving the vehicle while either of the following applies:

11 1. The person's driving privilege is suspended or revoked for any
12 reason.

13 2. The person has not ever been issued a valid driver license or
14 permit by this state and the person does not produce evidence of ever having
15 a valid driver license or permit issued by another jurisdiction.

16 3. The person is subject to an ignition interlock device requirement
17 pursuant to chapter 4 of this title and the person is operating a vehicle
18 without a functioning certified ignition interlock device. This paragraph
19 does not apply to a person operating an employer's vehicle or the operation
20 of a vehicle due to a substantial emergency as defined in section 28-1464.

21 B. A peace officer shall cause the removal and impoundment of a
22 vehicle if the peace officer determines that a person is driving the vehicle
23 and if all of the following apply:

24 1. The person's driving privilege is canceled, suspended or revoked
25 for any reason or the person has not ever been issued a driver license or
26 permit by this state and the person does not produce evidence of ever having
27 a driver license or permit issued by another jurisdiction.

28 2. The person is not in compliance with the financial responsibility
29 requirements of chapter 9, article 4 of this title.

30 3. The person is driving a vehicle that is involved in an accident
31 that results in either property damage or injury to or death of another
32 person.

33 C. Except as provided in subsection D of this section, while a peace
34 officer has control of the vehicle the peace officer shall cause the removal
35 and either immobilization or impoundment of the vehicle if the peace officer
36 has probable cause to arrest the driver of the vehicle for a violation of
37 section 4-244, paragraph ~~33~~ 35 or section 28-1382 or 28-1383.

38 D. A peace officer shall not cause the removal and either the
39 immobilization or impoundment of a vehicle pursuant to subsection C of this
40 section if all of the following apply:

41 1. The peace officer determines that the vehicle is currently
42 registered and that the driver or the vehicle is in compliance with the
43 financial responsibility requirements of chapter 9, article 4 of this title.

44 2. The spouse of the driver is with the driver at the time of the
45 arrest.

1 3. The peace officer has reasonable grounds to believe that the spouse
2 of the driver:
3 (a) Has a valid driver license.
4 (b) Is not impaired by intoxicating liquor, any drug, a vapor
5 releasing substance containing a toxic substance or any combination of
6 liquor, drugs or vapor releasing substances.
7 (c) Does not have any spirituous liquor in the spouse's body if the
8 spouse is under twenty-one years of age.
9 4. The spouse notifies the peace officer that the spouse will drive
10 the vehicle from the place of arrest to the driver's home or other place of
11 safety.
12 5. The spouse drives the vehicle as prescribed by paragraph 4 of this
13 subsection.
14 E. Except as otherwise provided in this article, a vehicle that is
15 removed and either immobilized or impounded pursuant to subsection A, B or C
16 of this section shall be immobilized or impounded for thirty days. An
17 insurance company does not have a duty to pay any benefits for charges or
18 fees for immobilization or impoundment.
19 F. The owner of a vehicle that is removed and either immobilized or
20 impounded pursuant to subsection A, B or C of this section, the spouse of the
21 owner and each person identified on the department's record with an interest
22 in the vehicle shall be provided with an opportunity for an immobilization or
23 poststorage hearing pursuant to section 28-3514.