

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HOUSE BILL 2224

AN ACT

AMENDING SECTIONS 28-4135 AND 28-4137, ARIZONA REVISED STATUTES; RELATING TO
MOTOR VEHICLE FINANCIAL RESPONSIBILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-4135, Arizona Revised Statutes, is amended to
3 read:

4 28-4135. Motor vehicle financial responsibility requirement;
5 civil penalties

6 A. A motor vehicle that is operated on a highway in this state shall
7 be covered by one of the following:

8 1. A motor vehicle or automobile liability policy that provides limits
9 not less than those prescribed in section 28-4009.

10 2. An alternate method of coverage as provided in section 28-4076.

11 3. A certificate of self-insurance as prescribed in section 28-4007.

12 4. A policy that satisfies the financial responsibility requirements
13 prescribed in article 2 of this chapter.

14 B. A person operating a motor vehicle on a highway in this state shall
15 have evidence within the motor vehicle of current financial responsibility
16 applicable to the motor vehicle.

17 C. Failure to produce evidence of financial responsibility on the
18 request of a law enforcement officer investigating a motor vehicle accident
19 or an alleged violation of a motor vehicle law of this state or a traffic
20 ordinance of a city or town is a civil traffic violation that is punishable
21 as prescribed in this section.

22 D. A citation issued for violating subsection B or C of this section
23 shall be dismissed if the person to whom the citation was issued produces
24 evidence to the appropriate court officer on or before the date and time
25 specified on the citation for court appearance and in a manner specified by
26 the court, including the certification of evidence by mail, of either of the
27 following:

28 1. The financial responsibility requirements prescribed in this
29 section were met for the motor vehicle at the date and time the citation was
30 issued.

31 2. A motor vehicle or automobile liability policy that meets the
32 financial responsibility requirements of this state and that insured the
33 person and the motor vehicle the person was operating at the time the person
34 received the citation regardless of whether or not the motor vehicle was
35 named in the policy.

36 E. Except as provided in section 28-4137, a person who violates this
37 section is subject to a civil penalty as follows:

38 1. The court shall impose a minimum civil penalty of five hundred
39 dollars for the first violation ~~and shall direct~~. **ON RECEIPT OF THE ABSTRACT**
40 **OF THE RECORD OF JUDGMENT**, the department ~~to~~ **SHALL** suspend the driver license
41 of the person and the registration and license plates of the motor vehicle
42 involved for three months.

1 2. If a person violates this section a second time within a period of
2 thirty-six months, the court shall impose a minimum civil penalty of seven
3 hundred fifty dollars ~~and shall direct~~. ON RECEIPT OF THE ABSTRACT OF THE
4 RECORD OF JUDGMENT, the department ~~to~~ SHALL suspend the driver license of the
5 person and the registration and license plates of the motor vehicle involved
6 for six months.

7 3. If a person violates this section three or more times within a
8 period of thirty-six months, the court shall impose a minimum civil penalty
9 of one thousand dollars. ~~and shall direct~~ ON RECEIPT OF THE ABSTRACT OF THE
10 RECORD OF JUDGMENT, the department ~~to~~ SHALL suspend the driver license of the
11 person and the registration and license plates of the motor vehicle involved
12 for one year. THE DEPARTMENT SHALL REQUIRE ON REINSTATEMENT OF THE DRIVER
13 LICENSE, THE REGISTRATION AND THE LICENSE PLATES THAT THE PERSON FILE WITH
14 THE DEPARTMENT PROOF OF FINANCIAL RESPONSIBILITY IN ACCORDANCE WITH ARTICLE 3
15 OF THIS CHAPTER.

16 Sec. 2. Section 28-4137, Arizona Revised Statutes, is amended to read:
17 28-4137. Reduction or waiver of penalty; rules

18 A. ~~If a person subject to the civil penalty under section 28-4135:~~
19 ~~1. Presents proof to the court that the person has purchased a six~~
20 ~~month policy of insurance that meets the requirements of section 28-4009, or~~
21 ~~that the vehicle was covered by an insurance policy pursuant to section~~
22 ~~28-4033, subsection A, paragraph 2, subdivision (c) at the time the citation~~
23 ~~was issued.~~ The court may reduce or waive the ~~amount of the~~ penalty IMPOSED
24 FOR A VIOLATION OF SECTION 28-4135 IF THE PERSON SUBJECT TO THE PENALTY
25 PRESENTS TO THE COURT PROOF OF BOTH OF THE FOLLOWING:

26 1. THE PERSON HAS NOT BEEN FOUND RESPONSIBLE FOR A VIOLATION OF
27 SECTION 28-4135 WITHIN THE PAST THIRTY-SIX MONTHS AS EVIDENCED BY THE
28 PERSON'S DRIVING RECORD.

29 ~~2. Has not purchased insurance at the time of the person's scheduled~~
30 ~~court appearance but is willing to do so, the court may suspend the~~
31 ~~imposition of the civil penalty for up to thirty days to allow the person the~~
32 ~~opportunity to purchase the insurance.~~

33 2. THE PERSON HAS PURCHASED AND PAID IN FULL FOR A SIX MONTH POLICY OF
34 INSURANCE THAT MEETS THE REQUIREMENTS OF SECTION 28-4009.

35 B. The supreme court may adopt rules for the court as necessary to
36 implement this section.