

WILLIAMS FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1200

(Reference to the TRANSPORTATION Committee amendment)

1 Page 7, line 17, after the period insert "THE PRESIDING JUDGE OF THE CITY OR TOWN
2 MUNICIPAL COURT SHALL APPROVE THE PROGRAM BEFORE ITS IMPLEMENTATION."

3 Line 20, after "PROGRAM" insert "AND PAY THIRTY DOLLARS PER MONTH WHILE IN THE
4 PROGRAM,"

5 Page 11, line 1, after the period insert "THE PRESIDING JUSTICE OF THE PEACE OF THE
6 COUNTY JUSTICE COURT SHALL APPROVE THE PROGRAM BEFORE ITS IMPLEMENTATION."

7 Line 4, after "PROGRAM" insert "AND PAY THIRTY DOLLARS PER MONTH WHILE IN THE
8 PROGRAM,"

9 Page 15, line 21, after "PROGRAM" insert "AND PAY THIRTY DOLLARS PER MONTH WHILE IN
10 THE PROGRAM,"

11 Page 23, line 35, after "that" insert "IF THE STATE ALLEGES A PRIOR CONVICTION"

12 Page 31, between lines 8 and 9, insert:

13 "I. NOTWITHSTANDING SUBSECTION D, PARAGRAPH 1 OF THIS SECTION, AT THE
14 TIME OF SENTENCING IF THE PERSON IS CONVICTED OF A VIOLATION OF SUBSECTION A,
15 PARAGRAPH 1 OF THIS SECTION, THE JUDGE MAY SUSPEND ALL BUT NINE DAYS OF THE
16 SENTENCE IF THE PERSON EQUIPS ANY MOTOR VEHICLE THE PERSON OPERATES WITH A
17 CERTIFIED IGNITION INTERLOCK DEVICE FOR A PERIOD OF TWELVE MONTHS. IF THE
18 PERSON IS CONVICTED OF A VIOLATION OF SUBSECTION A, PARAGRAPH 2 OF THIS
19 SECTION, THE JUDGE MAY SUSPEND ALL BUT FOURTEEN DAYS OF THE SENTENCE IF THE
20 PERSON EQUIPS ANY MOTOR VEHICLE THE PERSON OPERATES WITH A CERTIFIED IGNITION
21 INTERLOCK DEVICE FOR A PERIOD OF TWELVE MONTHS. IF THE PERSON FAILS TO COMPLY
22 WITH ARTICLE 5 OF THIS CHAPTER AND HAS NOT BEEN PLACED ON PROBATION, THE COURT
23 SHALL ISSUE AN ORDER TO SHOW CAUSE AS TO WHY THE REMAINING JAIL SENTENCE
24 SHOULD NOT BE SERVED."

25 Reletter to conform

26 Page 33, line 26, strike "three years" insert "ONE YEAR"

27 Line 33, strike "twelve" insert "TWENTY-FOUR"

28 Page 40, line 32, after "been" insert "SUSPENDED PURSUANT TO SECTION 28-1385 OR"

29 Page 41, between lines 18 and 19, insert:

30 "5. SECTION 28-1385, IF THE PERSON MEETS THE CRITERIA OF SECTION
31 28-1385, SUBSECTION G."

32 Page 42, line 8, after "been" insert "SUSPENDED PURSUANT TO SECTION 28-1385 OR"

33 Page 44, line 22, strike "three" insert "TWO"

1 Page 44, line 30, after "CONCENTRATION" strike remainder of line
2 Line 31, strike "SUBSECTION G, PARAGRAPH 3" insert "OF 0.08 OR MORE"
3 Line 32, after the period strike remainder of line
4 Strike line 33

5 Page 48, between lines 15 and 16, insert:

6 "Sec. 18. Section 28-3315, Arizona Revised Statutes, is amended to
7 read:

8 28-3315. Period of suspension, revocation or disqualification;
9 unlicensed drivers

10 A. The department shall not suspend, revoke or disqualify a driver
11 license or privilege to drive a motor vehicle on the public highways for more
12 than one year from the date of a conviction or judgment, if any, against a
13 person for which this chapter makes revocation, suspension or
14 disqualification mandatory or from the date the notice is sent pursuant to
15 section 28-3318 if no conviction was involved, except as permitted under
16 subsection E of this section and sections ~~28-1383~~, 28-3312, 28-3319, ~~AND~~
17 28-3320 ~~and 28-3473~~.

18 B. A person whose license or privilege to drive a motor vehicle on the
19 public highways has been revoked may apply for a new license as provided by
20 law after the cause of the revocation is removed or after expiration of the
21 revocation period prescribed by law. After the department investigates an
22 applicant's driving record in this state or another state by examining
23 department records or other sufficient evidence to determine that all
24 withdrawal actions are complete, that the applicant has not committed any
25 traffic violations within twelve months preceding application and that all
26 other statutory requirements are satisfied, the department may issue a new
27 license.

28 C. The department shall not accept an application for reinstatement of
29 a driver license until after the twelve month period prescribed in subsection
30 B of this section has elapsed.

31 D. If the revocation is related to alcohol or other drugs, the person
32 shall provide the department with a current evaluation from a physician
33 licensed pursuant to title 32, chapter 13, 17 or 29, a psychologist licensed
34 pursuant to title 32, chapter 19.1 or a substance abuse counselor as defined
35 in section 28-3005 indicating that, in the opinion of the physician,
36 psychologist or counselor, the condition does not affect or impair the
37 person's ability to safely operate a motor vehicle. For the purposes of
38 reinstating a license or driving privilege pursuant to this article, the
39 department may rely on the opinion of a physician licensed pursuant to title

1 32, chapter 13, 17 or 29, a psychologist licensed pursuant to title 32,
2 chapter 19.1 or a substance abuse counselor as defined in section 28-3005.

3 E. Notwithstanding subsections A and B of this section:

4 1. A person whose license or privilege to drive is revoked pursuant to
5 section ~~28-1383, subsection J or~~ section 28-3304, subsection A, paragraph 1
6 or 12 is not entitled to have the person's license or privilege renewed or
7 restored for three years.

8 2. A person whose license or privilege to drive is revoked pursuant to
9 section 13-1209 is not entitled to have the person's license or privilege
10 renewed or restored for the period of time ordered by the court.

11 3. A person whose license, permit or privilege to drive is revoked
12 pursuant to section 28-661, subsection E is not entitled to have the person's
13 license, permit or privilege renewed or restored for five years.

14 4. A person whose license, permit or privilege to drive is revoked
15 pursuant to section 28-661, subsection F is not entitled to have the person's
16 license, permit or privilege renewed or restored for three years.

17 F. ~~Except as provided in section 28-3473,~~ If an unlicensed driver
18 commits an offense for which a driver license could be suspended, revoked or
19 disqualified, the department shall not accept the unlicensed driver's
20 application for a driver license for a period equal to the period of time
21 that applies to a driver with a license. If the offense is one for which a
22 driver license could be revoked, the department shall not accept the
23 unlicensed driver's application for a driver license unless it investigates
24 the character, habits and driving ability of the person and is satisfied that
25 it is safe to grant the privilege of driving a motor vehicle on the public
26 highways.

27 G. The expiration of a person's license during the period of time it
28 is under suspension, revocation or disqualification does not invalidate or
29 terminate the suspension, revocation or disqualification.

30 H. A person whose license or privilege to drive a motor vehicle on the
31 public highways has been suspended pursuant to section 28-3306, subsection A,
32 paragraph 5 or section 28-3314 may apply for a new license as provided by law
33 after the cause for suspension is removed or after expiration of the
34 suspension period prescribed by law if both of the following conditions are
35 met:

36 1. The department is satisfied, after reviewing the medical condition
37 and driving ability of the person, that it is safe to grant the person the
38 privilege of driving a motor vehicle on the public highways.

1 2. If the person has a medical condition related to alcohol or other
2 drugs, the person provides the department with a current evaluation form from
3 a physician licensed pursuant to title 32, chapter 13, 17 or 29, a
4 psychologist licensed pursuant to title 32, chapter 19.1 or a substance abuse
5 counselor as defined in section 28-3005 indicating that, in the opinion of
6 the physician, psychologist or counselor, the condition does not affect or
7 impair the person's ability to operate a motor vehicle in a safe manner."

8 Renumber to conform

9 Page 50, line 14, strike "REDUCE" insert "DEFER THE REMAINDER OF"

10 Line 15, strike "TO" insert "COMMENCING WITH"

11 Line 23, strike "FOR AT LEAST SIX CONSECUTIVE MONTHS"

12 Line 25, strike "0.05" insert "0.08"

13 Between lines 31 and 32, insert:

14 "I. THE DEFERMENT PURSUANT TO SUBSECTION H OF THIS SECTION IS
15 PERMANENT, UNLESS THE PERSON IS ARRESTED FOR A VIOLATION OF SECTION 28-1381,
16 28-1382 OR 28-1383 THAT OCCURS DURING THE PERIOD OF THE DEFERMENT. IF THE
17 PERSON IS ARRESTED AS DESCRIBED IN THIS SUBSECTION, THE DEPARTMENT SHALL
18 REVOKE THE DEFERMENT AND REQUIRE THE PERSON TO COMPLETE THE REMAINDER OF THE
19 TIME PERIOD PRESCRIBED IN SUBSECTION D, PARAGRAPH 1, SUBDIVISION (a) OF THIS
20 SECTION."

21 Reletter to conform

22 Line 32, after "EVIDENCE" insert "OR AN EMPLOYMENT REQUIREMENT"

23 Page 51, line 3, after the period insert "DURING THE PERIOD OF CONTINUOUS ALCOHOL
24 MONITORING THE PERSON SHALL BE TESTED AT A MINIMUM ONCE A DAY FOR THE USE OF
25 ALCOHOLIC BEVERAGES BY A SCIENTIFIC METHOD THAT IS CHOSEN BY THE DIRECTOR.
26 IF THE PERSON TESTS POSITIVE FOR ALCOHOL TWO TIMES, THE DEPARTMENT SHALL
27 DISCONTINUE THE CONTINUOUS ALCOHOL MONITORING AND REQUIRE THE PERSON TO
28 INSTALL A CERTIFIED IGNITION INTERLOCK DEVICE AS OTHERWISE PROVIDED BY LAW."

29 Page 52, line 26, strike "September 30" insert "December 31"

30 Amend title to conform

VIC WILLIAMS

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C: sp