

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1426

AN ACT

AMENDING SECTIONS 28-3002, 28-3101, 28-3153, 28-3160, 28-3171 AND 28-3172, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 8, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-3175; 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 28-3002, Arizona Revised Statutes, is amended to
3 read:

4 28-3002. Fees; driver licenses; disposition

5 A. The following fees are required:

6 1. For each original or initial application or renewal application, if
7 a written examination is required, for the following:

8 (a) Class A driver license, twenty-five dollars.

9 (b) Class B driver license, twenty-five dollars.

10 (c) Class C driver license, twelve dollars fifty cents.

11 (d) Class D driver license issued pursuant to section 28-3171, ten
12 dollars.

13 (e) Class M driver license issued pursuant to section 28-3171, ten
14 dollars.

15 (f) CLASS N DRIVER LICENSE ISSUED PURSUANT TO SECTION 28-3175, AN
16 AMOUNT TO BE DETERMINED BY THE DIRECTOR.

17 2. Except as provided in paragraph 1, for each original, renewal or
18 reinstatement application for a class D, G, ~~or~~ M OR N license:

19 Age	20 Fee
21 50 or older	\$10.00
22 45-49	\$15.00
23 40-44	\$20.00
24 39 or younger	\$25.00

25 3. For each original or initial application or renewal examination, if
26 a written application is required, for the following endorsements to a driver
27 license:

28 (a) Bus endorsement, ten dollars.

29 (b) Hazardous materials endorsement, ten dollars.

30 (c) Tank vehicle endorsement, ten dollars.

31 (d) Double-triple trailer endorsement, ten dollars.

32 (e) Motorcycle endorsement, seven dollars.

33 4. For taking each driving test for a:

34 (a) Class A driver license, twenty-five dollars.

35 (b) Class B driver license, twenty-five dollars.

36 (c) Class C driver license, twelve dollars fifty cents.

37 (d) Bus endorsement, five dollars.

38 5. For each application for an instruction permit under:

39 (a) Section 28-3154 or 28-3156, seven dollars.

40 (b) Section 28-3155, three dollars.

41 (c) Section 28-3225, class A, twenty-five dollars.

42 (d) Section 28-3225, class B, twenty-five dollars.

43 (e) Section 28-3225, class C, twelve dollars fifty cents.

44 6. For each renewal application, if a written examination is not
required, for a:

- 1 (a) Class A driver license and any endorsement, other than a hazardous
2 materials endorsement, to the license, fifteen dollars.
- 3 (b) Class B driver license and any endorsement, other than a hazardous
4 materials endorsement, to the license, fifteen dollars.
- 5 (c) Class C driver license and any endorsement, other than a hazardous
6 materials endorsement, to the license, ten dollars.
- 7 7. For each application for a duplicate of a driver license, an amount
8 determined by the director.
- 9 8. For each application for a duplicate of an instruction permit, two
10 dollars.
- 11 9. In addition to the fees prescribed in paragraph 2 and except as
12 provided in paragraph 11:
- 13 (a) For reinstatement of driving privileges after suspension or
14 disqualification, ten dollars.
- 15 (b) For reinstatement of driving privileges after revocation, twenty
16 dollars.
- 17 10. For each application for an extension by mail of a driver license,
18 five dollars.
- 19 11. In addition to the fees prescribed in paragraph 2, for
20 reinstatement of driving privileges that were suspended or denied pursuant to
21 section 28-1385 after completion of the suspension or revocation, fifty
22 dollars.
- 23 12. For vision screening tests of out-of-state drivers, five dollars.
- 24 13. For class D or M driver license skills tests for out-of-state
25 drivers, fifteen dollars.
- 26 B. Except as otherwise provided by statute, the director shall
27 immediately deposit, pursuant to sections 35-146 and 35-147, fees collected
28 under this section in the Arizona highway user revenue fund.
- 29 Sec. 2. Section 28-3101, Arizona Revised Statutes, is amended to read:
30 28-3101. Driver license classes
- 31 A. Except as provided in subsections B and C of this section and
32 section 28-3102, the following driver license classes are valid:
- 33 1. Class A. A class A license is valid for operating either of the
34 following:
- 35 (a) A motor vehicle that tows a vehicle with a gross vehicle weight
36 rating of more than ten thousand pounds if the combined gross vehicle weight
37 rating is twenty-six thousand one or more pounds.
- 38 (b) A vehicle that requires a class B, C or D license.
- 39 2. Class B. A class B license is valid for operating any of the
40 following:
- 41 (a) A single motor vehicle with a gross vehicle weight rating of
42 twenty-six thousand one or more pounds.
- 43 (b) A motor vehicle with a gross vehicle weight rating of twenty-six
44 thousand one or more pounds that tows a vehicle with a gross vehicle weight
45 rating of ten thousand pounds or less.

1 (c) A vehicle that requires a class C or D license for operation.

2 3. Class C. A class C license is valid for operating any of the
3 following:

4 (a) A single motor vehicle with a gross vehicle weight rating of
5 twenty-six thousand pounds or less.

6 (b) A motor vehicle with a gross vehicle weight rating of twenty-six
7 thousand pounds or less that tows a vehicle with a gross vehicle weight
8 rating of ten thousand pounds or less.

9 (c) A motor vehicle with a gross vehicle weight rating of twenty-six
10 thousand pounds or less that tows a vehicle with a gross vehicle weight
11 rating of more than ten thousand pounds, if the combined gross vehicle weight
12 rating is less than twenty-six thousand one pounds.

13 (d) A vehicle that is required to be placarded for hazardous
14 materials.

15 (e) A bus or school bus.

16 (f) A vehicle that requires a class D license for operation.

17 4. Class D. A class D license is valid for operating any of the
18 following:

19 (a) A single motor vehicle with a gross vehicle weight rating of
20 twenty-six thousand pounds or less.

21 (b) A motor vehicle with a gross vehicle weight rating of twenty-six
22 thousand pounds or less that tows a vehicle with a gross vehicle weight
23 rating of ten thousand pounds or less.

24 (c) A motor vehicle with a gross vehicle weight rating of twenty-six
25 thousand pounds or less that tows a vehicle with a gross vehicle weight
26 rating of more than ten thousand pounds if the combined gross vehicle weight
27 rating is less than twenty-six thousand one pounds.

28 5. Class G. A class G license is valid for operating a single motor
29 vehicle with a gross vehicle weight rating of twenty-six thousand pounds or
30 less.

31 6. Class M. A class M license is valid for operating a motorcycle,
32 motor driven cycle or moped. For the purpose of licensing a driver, the
33 department may endorse a class M license classification on a valid class A,
34 B, C, D or G license.

35 7. CLASS N. A CLASS N LICENSE IS VALID FOR OPERATING A NEIGHBORHOOD
36 ELECTRIC VEHICLE.

37 B. A class A, B, C, D, ~~or~~ G OR N license is not valid for operating a
38 vehicle that requires a class M license or a vehicle that requires a special
39 endorsement unless the proper endorsement appears on the license.

40 C. A commercial driver license is not required to operate a vehicle
41 described in subsection A, paragraph 1, 2 or 3 of this section if the vehicle
42 has been issued a historic vehicle license plate pursuant to section 28-2484
43 and the department provides in the vehicle registration record both of the
44 following:

1 1. That the vehicle is classified as a noncommercial vehicle and may
2 not be used as a commercial vehicle.

3 2. The vehicle's gross vehicle weight is entered as zero.

4 Sec. 3. Section 28-3153, Arizona Revised Statutes, is amended to read:

5 28-3153. Driver license issuance; prohibitions

6 A. The department shall not issue the following:

7 1. A driver license to a person who is under eighteen years of age,
8 except that the department may issue:

9 (a) A restricted instruction permit for a class D or G license to a
10 person who is at least fifteen years of age.

11 (b) An instruction permit for a class D, G or M license as provided by
12 this chapter to a person who is at least fifteen years and six months 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 **EXCEPT AS PROVIDED IN SECTION**
36 **28-3175**.

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

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

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

1 evaluation from a substance abuse counselor indicating that, in the opinion
2 of the counselor, the condition does not affect or impair the person's
3 ability to safely operate a motor vehicle.

4 8. A license to a person who has been adjudged to be incapacitated
5 pursuant to section 14-5304 and who at the time of application has not
6 obtained either a court order that allows the person to drive or a
7 termination of incapacity as provided by law.

8 9. A license to a person who is required by this chapter to take an
9 examination unless the person successfully passes the examination.

10 10. A license to a person who is required under the motor vehicle
11 financial responsibility laws of this state to deposit proof of financial
12 responsibility and who has not deposited the proof.

13 11. A license to a person if the department has good cause to believe
14 that the operation of a motor vehicle on the highways by the person would
15 threaten the public safety or welfare.

16 12. A license to a person whose driver license has been ordered to be
17 suspended pursuant to section 25-518 EXCEPT AS PROVIDED IN SECTION 28-3175.

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

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

23 15. A class A, B or C license to a person who fails to demonstrate
24 proficiency in the English language as determined by the department.

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

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

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

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

41 D. Notwithstanding any other law, the department shall not issue to or
42 renew a driver license or nonoperating identification license for a person
43 who does not submit proof satisfactory to the department that the applicant's
44 presence in the United States is authorized under federal law. For an
45 application for a driver license or a nonoperating identification license,

1 the department shall not accept as a primary source of identification a
2 driver license issued by a state if the state does not require that a driver
3 licensed in that state be lawfully present in the United States under federal
4 law. The director shall adopt rules necessary to carry out the purposes of
5 this subsection. The rules shall include procedures for:

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

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

10 Sec. 4. Section 28-3160, Arizona Revised Statutes, is amended to read:

11 28-3160. Applications of minors; liability

12 A. Except as provided in section 28-3161, the following person or
13 persons shall sign and verify before a person authorized to administer oaths
14 the application of a person under eighteen years of age for an instruction
15 permit, a class G, ~~or~~ M OR N driver license or an endorsement to a class G or
16 M driver license:

17 1. If both the father and mother of the applicant are living, have
18 custody of the applicant and are married to each other, either the father or
19 the mother of the applicant.

20 2. If both the father and mother of the applicant are living, have
21 custody of the applicant and are not married to each other, both the father
22 and mother of the applicant.

23 3. If one parent of the applicant has custody of the applicant, the
24 parent who has custody.

25 4. If neither parent of the applicant is living, the person or
26 guardian who has custody of the applicant or an employer of the applicant.

27 5. If the applicant resides with a foster parent, the foster parent.

28 6. If there is no guardian or employer of the applicant, a responsible
29 person who is willing to assume the obligation imposed by this chapter on a
30 person who signs the application of a minor.

31 B. Negligence or wilful misconduct of a minor when driving a motor
32 vehicle on a highway is imputed to the person who signs the application of
33 the minor for a permit or license. Except as otherwise provided in
34 subsection D of this section, the person who signs the application is jointly
35 and severally liable with the minor for damage caused by the negligence or
36 wilful misconduct.

37 C. Notwithstanding section 25-214, subsection C, a spouse who signs
38 the application pursuant to subsection A of this section binds the marital
39 community.

40 D. The parents or guardian of a minor are not liable under subsection
41 B of this section during the time proof of financial responsibility is
42 maintained by the minor or on behalf of the minor in the form and in amounts
43 required by law for the operation of a motor vehicle the minor owns, or if
44 the minor is not the owner of a motor vehicle, for the operation of any motor
45 vehicle.

1 Sec. 5. Section 28-3171, Arizona Revised Statutes, is amended to read:
2 28-3171. Driver license expiration and renewal; exception:
3 extension by mail

4 A. Except as provided in subsection B, D or E of this section and
5 unless medical restrictions require a shorter expiration period, a driver
6 license:

- 7 1. Is valid until the applicant's sixty-fifth birthday.
8 2. Is renewable for successive periods of five years after the
9 applicant's sixty-fifth birthday.
10 3. Expires on the applicant's birthday if the license was issued
11 pursuant to subsection B of this section.

12 B. Notwithstanding subsection A of this section:

13 1. The department shall issue to an applicant a driver license that is
14 valid for not more than five years and six months if the applicant applies
15 within six months of the applicant's next birthday and if the applicant is
16 sixty-four years of age or older, unless medical restrictions require a
17 shorter expiration period.

18 2. On presentation of satisfactory proof of qualification, the
19 director may issue a class D, G, ~~or~~ M OR N license or permit for a period of
20 up to five years to:

21 (a) A person who is an out-of-state student or who is the spouse of an
22 out-of-state student. For the purposes of this subdivision, "out-of-state
23 student" has the same meaning prescribed in section 28-2001.

24 (b) An immediate family member of any active duty military personnel
25 temporarily stationed in this state.

26 (c) Any other person for whom the director determines other
27 circumstances justify the issuance.

28 C. An applicant shall apply for renewal of a driver license before the
29 expiration of a current license. The department may require an examination
30 of a renewal applicant for a class D, G, ~~or~~ M OR N license as required of an
31 original applicant.

32 D. A veteran, as defined in section 41-601, whose driver license
33 expires is not required to renew the veteran's driver license for six months
34 from the date of the veteran's discharge from military service.

35 E. The department may extend the expiration date of a class D, ~~or~~ M OR
36 N license by mail for a resident if the applicant is not in this state at the
37 time the license expires and will not be in this state for at least thirty
38 consecutive days after the expiration of the driver license. On payment by
39 the applicant of the fee prescribed in section 28-3002, the department shall
40 issue a certificate of extension that is valid only if accompanied by the
41 applicant's previous license. An applicant for extension of a license by
42 mail shall comply with the following:

- 43 1. The application requirements of section 28-3158.
44 2. The licensing requirements of section 28-3153.

1 D. The department shall decide if the eyesight reported by each
2 applicant pursuant to subsection A, paragraph 2, subdivision (d) of this
3 section is sufficient to meet current eyesight standards.

4 Sec. 7. Title 28, chapter 8, article 4, Arizona Revised Statutes, is
5 amended by adding section 28-3175, to read:

6 28-3175. Class N driver licenses

7 A. A PERSON WHO HAS BEEN ISSUED A DRIVER LICENSE PURSUANT TO THIS
8 CHAPTER THAT IS SUSPENDED FOR ANY REASON IS ELIGIBLE TO APPLY FOR A CLASS N
9 DRIVER LICENSE. THE PERSON MAY SUBMIT AN APPLICATION FOR THE CLASS N DRIVER
10 LICENSE IN A FORM THAT IS PRESCRIBED BY THE DIRECTOR.

11 B. IF THE DEPARTMENT SUSPENDS OR REVOKES A CLASS N DRIVER LICENSE OF
12 ANY PERSON FOR ANY REASON, THE DEPARTMENT SHALL NOT ISSUE ANOTHER CLASS N
13 DRIVER LICENSE TO THAT PERSON.

14 C. A COURT MAY ORDER THE DEPARTMENT TO SUSPEND OR REVOKE A PERSON'S
15 CLASS N DRIVER LICENSE IF THE PERSON DOES EITHER OF THE FOLLOWING:

16 1. WHILE OPERATING A NEIGHBORHOOD ELECTRIC VEHICLE, COMMITS A CIVIL OR
17 CRIMINAL TRAFFIC VIOLATION PURSUANT TO THIS TITLE.

18 2. OPERATES A NEIGHBORHOOD ELECTRIC VEHICLE THAT HAS BEEN ALTERED TO
19 EXCEED TWENTY-FIVE MILES PER HOUR.