

State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

# HOUSE BILL 2076

AN ACT

AMENDING TITLE 28, CHAPTER 8, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-3229; AMENDING TITLE 32, CHAPTER 15, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1639.03; RELATING TO MILITARY LICENSEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 28, chapter 8, article 5, Arizona Revised Statutes,  
3 is amended by adding section 28-3229, to read:

4 28-3229. Military applicants; driving test waiver; requirements

5 A. THE DEPARTMENT MAY WAIVE THE REQUIREMENT THAT AN ORIGINAL APPLICANT  
6 FOR A CLASS A, B OR C LICENSE TAKE THE DRIVING TEST PRESCRIBED BY SECTION  
7 28-3223, SUBSECTION A, PARAGRAPH 5 IF THE APPLICANT IS ON ACTIVE DUTY IN THE  
8 ARMED FORCES OF THE UNITED STATES OR HAS SEPARATED FROM THE ARMED FORCES OF  
9 THE UNITED STATES UNDER HONORABLE CONDITIONS IN THE LAST NINETY DAYS AND  
10 CERTIFIES THAT DURING THE TWO-YEAR PERIOD IMMEDIATELY BEFORE APPLICATION ALL  
11 OF THE FOLLOWING APPLY:

12 1. THE APPLICANT HAS NOT HAD MORE THAN ONE DRIVER LICENSE, OTHER THAN  
13 A MILITARY LICENSE.

14 2. THE APPLICANT HAS NOT HAD ANY DRIVER LICENSE SUSPENDED, REVOKED OR  
15 CANCELED.

16 3. THE APPLICANT HAS NOT BEEN CONVICTED OF AN OFFENSE COMMITTED WHILE  
17 OPERATING ANY TYPE OF MOTOR VEHICLE THAT WOULD SUBJECT THE APPLICANT TO  
18 MANDATORY DISQUALIFICATION PURSUANT TO SECTION 28-3312.

19 4. THE APPLICANT HAS NOT BEEN FOUND RESPONSIBLE FOR OR GUILTY OF A  
20 MOVING TRAFFIC VIOLATION THAT RESULTS IN A MOTOR VEHICLE ACCIDENT AND HAS NO  
21 RECORD OF A MOTOR VEHICLE ACCIDENT IN WHICH THE APPLICANT IS AT FAULT.

22 B. THE DEPARTMENT MAY WAIVE THE DRIVING TEST PURSUANT TO SUBSECTION A  
23 OF THIS SECTION IF THE APPLICANT CERTIFIES AND PROVIDES EVIDENCE AS  
24 PRESCRIBED BY THE DEPARTMENT THAT ALL OF THE FOLLOWING APPLY:

25 1. THE APPLICANT IS REGULARLY EMPLOYED OR WAS REGULARLY EMPLOYED  
26 WITHIN THE LAST NINETY DAYS IN A MILITARY POSITION REQUIRING OPERATION OF A  
27 COMMERCIAL MOTOR VEHICLE.

28 2. THE APPLICANT IS EXEMPT FROM COMMERCIAL DRIVER LICENSING  
29 REQUIREMENTS PURSUANT TO SECTION 28-3152, SUBSECTION A, PARAGRAPH 1 OR A  
30 COMPARABLE LAW OF ANOTHER STATE IMPLEMENTING 49 CODE OF FEDERAL REGULATIONS  
31 SECTION 383.3(c).

32 3. FOR AT LEAST TWO YEARS IMMEDIATELY BEFORE SEPARATING FROM THE ARMED  
33 FORCES OF THE UNITED STATES UNDER HONORABLE CONDITIONS THE APPLICANT OPERATED  
34 A MOTOR VEHICLE THAT IS REPRESENTATIVE OF THE CLASS OF MOTOR VEHICLE THAT THE  
35 APPLICANT OPERATES OR EXPECTS TO OPERATE.

36 C. AN APPLICANT WHO OBTAINS A DRIVING TEST WAIVER UNDER THIS SECTION  
37 SHALL TAKE AND SUCCESSFULLY PASS ANY KNOWLEDGE TEST REQUIRED PURSUANT TO THIS  
38 CHAPTER.

39 Sec. 2. Title 32, chapter 15, article 2, Arizona Revised Statutes, is  
40 amended by adding section 32-1639.03, to read:

41 32-1639.03. Qualifications of military service applicants;  
42 definition

43 A. THE BOARD SHALL ISSUE A LICENSE TO PRACTICE AS A PRACTICAL NURSE TO  
44 AN APPLICANT WHO DOES NOT MEET THE REQUIREMENTS OF SECTION 32-1637, PARAGRAPH

1 1, RELATING TO GRADUATION FROM A BOARD-APPROVED PROGRAM, IF THE APPLICANT  
2 OTHERWISE MEETS ALL OF THE FOLLOWING REQUIREMENTS:  
3 1. SUBMITS AN APPLICATION REQUIRED BY SECTION 32-1637 AND A VERIFIED  
4 STATEMENT THAT INDICATES WHETHER THE APPLICANT HAS BEEN CONVICTED OF A FELONY  
5 AND, IF CONVICTED OF ONE OR MORE FELONIES, INDICATES THE DATE OF ABSOLUTE  
6 DISCHARGE FROM THE SENTENCES FOR ALL FELONY CONVICTIONS.  
7 2. PASSES THE EXAMINATION PRESCRIBED BY SECTION 32-1638.  
8 3. ANSWERS QUESTIONS RELATED TO WHETHER THE PERSON IS CURRENTLY UNDER  
9 INVESTIGATION BY ANOTHER HEALTH CARE RELATED BOARD AND WHETHER ANY  
10 DISCIPLINARY ACTION HAS BEEN TAKEN BY ANY JURISDICTION RELATED TO HEALTH  
11 PROFESSIONS.  
12 4. HAS COMPLETED A MILITARY PROGRAM OF BASIC MEDICAL TRAINING AND WAS  
13 AWARDED A MILITARY OCCUPATIONAL SPECIALTY AND PERFORMED IN THAT OCCUPATIONAL  
14 SPECIALTY AT A LEVEL THAT IS SUBSTANTIALLY EQUIVALENT TO THE ACADEMIC  
15 REQUIREMENTS FOR A LICENSE TO PRACTICE AS A PRACTICAL NURSE OR COMPLETED ANY  
16 CLINICAL EDUCATION EQUIVALENCY OR BRIDGE COURSES DETERMINED BY THE BOARD TO  
17 BE NECESSARY TO OBTAIN EQUIVALENCY.  
18 5. ENGAGED IN THE ACTIVE PRACTICE OF PRACTICAL NURSING FOR AT LEAST  
19 TWO OF THE FIVE YEARS BEFORE THE DATE OF FILING THE APPLICATION. AN  
20 APPLICANT'S RELEVANT MILITARY SERVICE EXPERIENCE IN THE DISCHARGE OF THE  
21 APPLICANT'S OFFICIAL DUTIES MUST BE CREDITED IN THE CALCULATION OF THE NUMBER  
22 OF YEARS THE APPLICANT HAS PRACTICED AS A PRACTICAL NURSE FOR THE PURPOSES OF  
23 THIS PARAGRAPH.  
24 6. HAS NOT COMMITTED AN ACT IN ANY JURISDICTION THAT CONSTITUTES  
25 GROUNDS FOR REFUSAL, SUSPENSION OR REVOCATION OF A LICENSE TO PRACTICE AS A  
26 PRACTICAL NURSE IN THIS STATE.  
27 7. HAS PAID ANY FEES REQUIRED BY THE BOARD.  
28 B. THE BOARD MAY CONSIDER THE RECOMMENDATIONS IN THE GUIDE TO THE  
29 EVALUATION OF EDUCATIONAL EXPERIENCES IN THE ARMED SERVICES PUBLISHED BY THE  
30 AMERICAN COUNCIL ON EDUCATION OR THE COUNCIL'S SUCCESSOR ORGANIZATION WHEN  
31 DETERMINING IF THE APPLICANT SUBSTANTIALLY MEETS THE ACADEMIC REQUIREMENTS  
32 FOR A LICENSE TO PRACTICE AS A PRACTICAL NURSE.  
33 C. THE BOARD MAY ISSUE A TEMPORARY LICENSE TO PRACTICE AS A LICENSED  
34 PRACTICAL NURSE TO AN APPLICANT WHO MEETS THE QUALIFICATIONS IN SUBSECTION A  
35 OF THIS SECTION AND AS PRESCRIBED BY THE BOARD BY RULE. THE APPLICANT MAY  
36 PRACTICE UNDER A TEMPORARY LICENSE UNTIL ANY OF THE FOLLOWING OCCURS:  
37 1. THE APPLICANT'S LICENSE IS GRANTED OR DENIED BY THE BOARD.  
38 2. THE TEMPORARY LICENSE EXPIRES PURSUANT TO SECTION 32-1640,  
39 SUBSECTION B.  
40 3. THE APPLICANT FAILS TO COMPLY WITH THE TERMS OF THE TEMPORARY  
41 LICENSE.  
42 D. THIS SECTION DOES NOT PROHIBIT A MILITARY SERVICE APPLICANT FROM  
43 APPLYING FOR A LICENSE TO PRACTICE AS A PRACTICAL NURSE AS OTHERWISE  
44 PRESCRIBED IN THIS ARTICLE.

1           E. FOR THE PURPOSES OF THIS SECTION, "MILITARY SERVICE" MEANS SERVICE  
2 AS AN ACTIVE MEMBER OF ANY OF THE FOLLOWING:  
3           1. THE ARMED FORCES OF THE UNITED STATES.  
4           2. A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES.  
5           3. THE NATIONAL GUARD.  
6           Sec. 3. Effective date  
7           Section 32-1639.03, Arizona Revised Statutes, as amended by this act,  
8 is effective from and after December 31, 2013.