

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

HOUSE BILL 2183

AN ACT

AMENDING SECTIONS 15-1851, 28-101, 28-645, 28-647, 28-672, 28-695, 28-3158, 28-3164, 28-3303, 28-3306, 28-3307 AND 28-3321, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 8, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-3323; AMENDING TITLE 28, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7.1; AMENDING SECTION 28-5101, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 13, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-5101.01, 28-5101.02 AND 28-5101.03; AMENDING SECTIONS 28-5102, 28-5104, 28-5107, 28-5108 AND 28-6991, ARIZONA REVISED STATUTES; PROVIDING FOR THE DELAYED REPEAL OF TITLE 32, CHAPTER 23, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-3021, 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT OF TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-1851, Arizona Revised Statutes, is amended to
3 read:

4 15-1851. Commission for postsecondary education; purpose;
5 report; members; terms; powers and duties;
6 compensation; quorum; immunity; definition

7 A. The commission for postsecondary education is established and shall
8 administer the applicable programs identified under section 1203 of the
9 higher education act amendments of 1998 (P.L. 105-244), including the
10 leveraging educational assistance partnership program, the federal family
11 education loan program and the Paul Douglas teacher scholarships program, and
12 shall supervise the state guarantee agency under the higher education act
13 amendments of 1998.

14 B. In addition to the responsibilities prescribed in subsection A of
15 this section, the commission shall:

16 1. Provide a forum to public and private postsecondary education
17 institutions for discussion of issues of mutual interest, including the
18 following:

19 (a) The postsecondary needs of unserved and underserved individuals in
20 this state.

21 (b) The resources of public and private institutions, organizations
22 and agencies that are located in this state and that are capable of providing
23 postsecondary education opportunities.

24 (c) Enrollment demand and public policy options to meet statewide
25 needs for postsecondary education services.

26 (d) Cooperative comprehensive instructional and capital planning.

27 2. Provide reports pursuant to this subsection on discussions of
28 issues of mutual interest.

29 3. Coordinate and promote collaborative studies on issues of mutual
30 interest to public and private postsecondary education institutions.

31 4. Compile and disseminate information to the public regarding
32 postsecondary education opportunities in this state.

33 5. Prepare an annual report that summarizes the results of the
34 commission's activities prescribed in this section and section 15-1852. The
35 annual report shall be submitted to the speaker of the house of
36 representatives, the president of the senate, the governor and the Arizona
37 state library, archives and public records by December 28.

38 6. Administer the mathematics, science and special education teacher
39 student loan program established by chapter 13, article 11 of this title.

40 C. The commission consists of the executive director of the Arizona
41 board of regents, the executive director of the state board for private
42 postsecondary education and the following additional members who shall be
43 appointed by the governor pursuant to section 38-211:

44 1. Two members who hold senior executive or managerial positions in a
45 university under the jurisdiction of the Arizona board of regents.

1 2. Two members who hold senior executive or managerial positions in a
2 community college district, one representing a community college district in
3 a county with a population of five hundred thousand persons or more and one
4 representing a community college district in a county with a population of
5 less than five hundred thousand persons.

6 3. Two members who hold senior executive or managerial positions in
7 private postsecondary institutions of higher education that are licensed
8 under title 32, chapter 30, that are located in this state, that offer
9 bachelor or higher degrees and that are accredited by a regional
10 accreditation agency approved by the United States department of education.

11 4. Two members who hold senior executive or managerial positions in
12 private postsecondary institutions of higher education that are licensed
13 under title 32, chapter 30, that are located in this state, that offer
14 vocational education programs and that are accredited by a national
15 accreditation agency approved by the United States department of education.

16 5. One member who holds a senior executive or managerial position in a
17 private cosmetology school that is licensed under title 32, chapter 5, that
18 is located in this state, that offers cosmetology programs approved by the
19 board of cosmetology and that is accredited by a national accreditation
20 agency approved by the United States department of education.

21 6. One member who holds a senior executive or managerial position in
22 an institution that is licensed under ~~title 32, chapter 23 or under~~ 14 Code
23 of Federal Regulations part 147, that offers vocational education programs at
24 the postsecondary level, that is located in this state and that is not an
25 institution that is qualified under any other category.

26 7. One member who has held a senior executive or managerial level
27 position in commerce or industry in this state for at least three years
28 before the member's appointment and who is not qualified to serve under any
29 other category.

30 8. Two members who hold senior executive or managerial positions in
31 the high school education system in this state.

32 9. One member who is an owner, operator or administrator of a charter
33 school in this state.

34 D. Members of the commission appointed pursuant to subsection C,
35 paragraphs 1 through 9 of this section shall serve four year terms.
36 Appointed members of the commission shall be residents of this state.
37 Appointed members of the commission at all times during their terms shall
38 continue to be eligible for appointment under the category that they were
39 appointed to represent. Terms of appointed members of the commission begin
40 on the third Monday in January. No appointed member of the commission may
41 serve more than two consecutive terms.

42 E. The executive director of the Arizona board of regents and the
43 executive director of the state board for private postsecondary education
44 serve as members of the commission during their respective terms of office

1 and are not eligible to vote with respect to the commission's review of any
2 postsecondary institution.

3 F. Members appointed pursuant to subsection C, paragraphs 1 through 9
4 of this section are eligible to receive compensation pursuant to section
5 38-611 for each day spent in the performance of commission duties and may be
6 reimbursed for expenses properly incurred in connection with the attendance
7 at meetings or hearings of the commission.

8 G. The governor shall appoint a chairman from among the members of the
9 commission who shall serve a one year term that begins on the third Monday in
10 January.

11 H. A majority of the members of the commission constitute a quorum for
12 the transaction of commission business. The vote of a majority of the quorum
13 constitutes authority for the commission to act.

14 I. Members of the commission are immune from personal liability with
15 respect to all actions that are taken in good faith and within the scope of
16 the commission's authority.

17 J. For the purposes of this section, "community college district"
18 means a community college district that is established pursuant to sections
19 15-1402 and 15-1403 or section 15-1402.01 and that is a political subdivision
20 of this state.

21 Sec. 2. Section 28-101, Arizona Revised Statutes, is amended to read:

22 28-101. Definitions

23 In this title, unless the context otherwise requires:

24 1. "Alcohol" means any substance containing any form of alcohol,
25 including ethanol, methanol, propynol and isopropynol.

26 2. "Alcohol concentration" if expressed as a percentage means either:

27 (a) The number of grams of alcohol per one hundred milliliters of
28 blood.

29 (b) The number of grams of alcohol per two hundred ten liters of
30 breath.

31 3. "All-terrain vehicle" means either of the following:

32 (a) A motor vehicle that satisfies all of the following:

33 (i) Is designed primarily for recreational nonhighway all-terrain
34 travel.

35 (ii) Is fifty or fewer inches in width.

36 (iii) Has an unladen weight of one thousand two hundred pounds or
37 less.

38 (iv) Travels on three or more nonhighway tires.

39 (v) Has a seat to be straddled by the operator and handlebars for
40 steering control.

41 (vi) Is operated on a public highway.

42 (b) A recreational off-highway vehicle that satisfies all of the
43 following:

44 (i) Is designed primarily for recreational nonhighway all-terrain
45 travel.

- 1 (ii) Is sixty-four or fewer inches in width.
2 (iii) Has an unladen weight of one thousand eight hundred pounds or
3 less.
4 (iv) Travels on four or more nonhighway tires.
5 (v) Has a nonstraddle seat and a steering wheel for steering control.
6 4. "Authorized emergency vehicle" means any of the following:
7 (a) A fire department vehicle.
8 (b) A police vehicle.
9 (c) An ambulance or emergency vehicle of a municipal department or
10 public service corporation that is designated or authorized by the department
11 or a local authority.
12 (d) Any other ambulance, fire truck or rescue vehicle that is
13 authorized by the department in its sole discretion and that meets liability
14 insurance requirements prescribed by the department.
15 5. "Aviation fuel" means all flammable liquids composed of a mixture
16 of selected hydrocarbons expressly manufactured and blended for the purpose
17 of effectively and efficiently operating an internal combustion engine for
18 use in an aircraft but does not include fuel for jet or turbine powered
19 aircraft.
20 6. "Bicycle" means a device, including a racing wheelchair, that is
21 propelled by human power and on which a person may ride and that has either:
22 (a) Two tandem wheels, either of which is more than sixteen inches in
23 diameter.
24 (b) Three wheels in contact with the ground, any of which is more than
25 sixteen inches in diameter.
26 7. "Board" means the transportation board.
27 8. "Bus" means a motor vehicle designed for carrying sixteen or more
28 passengers, including the driver.
29 9. "Business district" means the territory contiguous to and including
30 a highway if there are buildings in use for business or industrial purposes
31 within any six hundred feet along the highway, including hotels, banks or
32 office buildings, railroad stations and public buildings that occupy at least
33 three hundred feet of frontage on one side or three hundred feet collectively
34 on both sides of the highway.
35 10. "Combination of vehicles" means a truck or truck tractor and
36 semitrailer and any trailer that it tows but does not include a forklift
37 designed for the purpose of loading or unloading the truck, trailer or
38 semitrailer.
39 11. "Controlled substance" means a substance so classified under
40 section 102(6) of the controlled substances act (21 United States Code
41 section 802(6)) and includes all substances listed in schedules I through V
42 of 21 Code of Federal Regulations part 1308.

- 1 12. "Conviction" means:
2 (a) An unvacated adjudication of guilt or a determination that a
3 person violated or failed to comply with the law in a court of original
4 jurisdiction or by an authorized administrative tribunal.
5 (b) An unvacated forfeiture of bail or collateral deposited to secure
6 the person's appearance in court.
7 (c) A plea of guilty or no contest accepted by the court.
8 (d) The payment of a fine or court costs.
9 13. "County highway" means a public road constructed and maintained by
10 a county.
11 14. "Dealer" means a person who is engaged in the business of buying,
12 selling or exchanging motor vehicles, trailers or semitrailers and who has an
13 established place of business.
14 15. "Department" means the department of transportation acting directly
15 or through its duly authorized officers and agents.
16 16. "Director" means the director of the department of transportation.
17 17. "Drive" means to operate or be in actual physical control of a
18 motor vehicle.
19 18. "Driver" means a person who drives or is in actual physical control
20 of a vehicle.
21 19. "Driver license" means a license that is issued by a state to an
22 individual and that authorizes the individual to drive a motor vehicle.
23 20. "Electric personal assistive mobility device" means a
24 self-balancing two nontandem wheeled device with an electric propulsion
25 system that limits the maximum speed of the device to fifteen miles per hour
26 or less and that is designed to transport only one person.
27 21. "Farm" means any lands primarily used for agriculture production.
28 22. "Farm tractor" means a motor vehicle designed and used primarily as
29 a farm implement for drawing implements of husbandry.
30 23. "Foreign vehicle" means a motor vehicle, trailer or semitrailer
31 that is brought into this state other than in the ordinary course of business
32 by or through a manufacturer or dealer and that has not been registered in
33 this state.
34 24. "Golf cart" means a motor vehicle that has not less than three
35 wheels in contact with the ground, that has an unladen weight of less than
36 one thousand eight hundred pounds, that is designed to be and is operated at
37 not more than twenty-five miles per hour and that is designed to carry not
38 more than four persons including the driver.
39 25. "Hazardous material" means a material, and its mixtures or
40 solutions, that the United States department of transportation determines
41 under 49 Code of Federal Regulations is, or any quantity of a material listed
42 as a select agent or toxin under 42 Code of Federal Regulations part 73 that
43 is, capable of posing an unreasonable risk to health, safety and property if
44 transported in commerce and that is required to be placarded or marked as

1 required by the department's safety rules prescribed pursuant to chapter 14
2 of this title.

3 26. "Implement of husbandry" means a vehicle designed primarily for
4 agricultural purposes and used exclusively in the conduct of agricultural
5 operations, including an implement or vehicle whether self-propelled or
6 otherwise that meets both of the following conditions:

7 (a) Is used solely for agricultural purposes including the preparation
8 or harvesting of cotton, alfalfa, grains and other farm crops.

9 (b) Is only incidentally operated or moved on a highway whether as a
10 trailer or self-propelled unit. For the purposes of this subdivision,
11 "incidentally operated or moved on a highway" means travel between a farm and
12 another part of the same farm, from one farm to another farm or between a
13 farm and a place of repair, supply or storage.

14 27. "Limousine" means a motor vehicle providing prearranged ground
15 transportation service for an individual passenger, or a group of passengers,
16 that is arranged in advance or is operated on a regular route or between
17 specified points and includes ground transportation under a contract or
18 agreement for services that includes a fixed rate or time and is provided in
19 a motor vehicle with a seating capacity not exceeding fifteen passengers
20 including the driver.

21 28. "Livery vehicle" means a motor vehicle that:

22 (a) Has a seating capacity not exceeding fifteen passengers including
23 the driver.

24 (b) Provides passenger services for a fare determined by a flat rate
25 or flat hourly rate between geographic zones or within a geographic area.

26 (c) Is available for hire on an exclusive or shared ride basis.

27 (d) May do any of the following:

28 (i) Operate on a regular route or between specified places.

29 (ii) Offer prearranged ground transportation service as defined in
30 section 28-141.

31 (iii) Offer on demand ground transportation service pursuant to a
32 contract with a public airport, licensed business entity or organization.

33 29. "Local authority" means any county, municipal or other local board
34 or body exercising jurisdiction over highways under the constitution and laws
35 of this state.

36 30. "Manufacturer" means a person engaged in the business of
37 manufacturing motor vehicles, trailers or semitrailers.

38 31. "Moped" means a bicycle that is equipped with a helper motor if the
39 vehicle has a maximum piston displacement of fifty cubic centimeters or less,
40 a brake horsepower of one and one-half or less and a maximum speed of
41 twenty-five miles per hour or less on a flat surface with less than a one per
42 cent grade.

43 32. "Motor driven cycle" means a motorcycle, including every motor
44 scooter, with a motor that produces not more than five horsepower.

- 1 33. "Motor vehicle":
2 (a) Means either:
3 (i) A self-propelled vehicle.
4 (ii) For the purposes of the laws relating to the imposition of a tax
5 on motor vehicle fuel, a vehicle that is operated on the highways of this
6 state and that is propelled by the use of motor vehicle fuel.
7 (b) Does not include a motorized wheelchair, an electric personal
8 assistive mobility device or a motorized skateboard. For the purposes of
9 this subdivision:
10 (i) "Motorized skateboard" means a self-propelled device that has a
11 motor, a deck on which a person may ride and at least two tandem wheels in
12 contact with the ground.
13 (ii) "Motorized wheelchair" means a self-propelled wheelchair that is
14 used by a person for mobility.
15 34. "Motor vehicle fuel" includes all products that are commonly or
16 commercially known or sold as gasoline, including casinghead gasoline,
17 natural gasoline and all flammable liquids, and that are composed of a
18 mixture of selected hydrocarbons expressly manufactured and blended for the
19 purpose of effectively and efficiently operating internal combustion engines.
20 Motor vehicle fuel does not include inflammable liquids that are specifically
21 manufactured for racing motor vehicles and that are distributed for and used
22 by racing motor vehicles at a racetrack, use fuel as defined in section
23 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the
24 mixture created at the interface of two different substances being
25 transported through a pipeline, commonly known as transmix.
26 35. "Motorcycle" means a motor vehicle that has a seat or saddle for
27 the use of the rider and that is designed to travel on not more than three
28 wheels in contact with the ground but excluding a tractor and a moped.
29 36. "Neighborhood electric vehicle" means a self-propelled electrically
30 powered motor vehicle to which all of the following apply:
31 (a) The vehicle is emission free.
32 (b) The vehicle has at least four wheels in contact with the ground.
33 (c) The vehicle complies with the definition and standards for low
34 speed vehicles set forth in federal motor vehicle safety standard 500 and 49
35 Code of Federal Regulations sections 571.3(b) and 571.500, respectively.
36 37. "Nonresident" means a person who is not a resident of this state as
37 defined in section 28-2001.
38 38. "Off-road recreational motor vehicle" means a motor vehicle that is
39 designed primarily for recreational nonhighway all-terrain travel and that is
40 not operated on a public highway. Off-road recreational motor vehicle does
41 not mean a motor vehicle used for construction, building trade, mining or
42 agricultural purposes.
43 39. "Operator" means a person who drives a motor vehicle on a highway,
44 who is in actual physical control of a motor vehicle on a highway or who is
45 exercising control over or steering a vehicle being towed by a motor vehicle.

- 1 40. "Owner" means:
2 (a) A person who holds the legal title of a vehicle.
3 (b) If a vehicle is the subject of an agreement for the conditional
4 sale or lease with the right of purchase on performance of the conditions
5 stated in the agreement and with an immediate right of possession vested in
6 the conditional vendee or lessee, the conditional vendee or lessee.
7 (c) If a mortgagor of a vehicle is entitled to possession of the
8 vehicle, the mortgagor.
- 9 41. "Pedestrian" means any person afoot. A person who uses an electric
10 personal assistive mobility device or a manual or motorized wheelchair is
11 considered a pedestrian unless the manual wheelchair qualifies as a bicycle.
12 For the purposes of this paragraph, "motorized wheelchair" means a
13 self-propelled wheelchair that is used by a person for mobility.
- 14 42. "Power sweeper" means an implement, with or without motive power,
15 that is only incidentally operated or moved on a street or highway and that
16 is designed for the removal of debris, dirt, gravel, litter or sand whether
17 by broom, vacuum or regenerative air system from asphaltic concrete or cement
18 concrete surfaces, including parking lots, highways, streets and warehouses,
19 and a vehicle on which the implement is permanently mounted.
- 20 43. "Public transit" means the transportation of passengers on
21 scheduled routes by means of a conveyance on an individual passenger
22 fare-paying basis excluding transportation by a sight-seeing bus, school bus
23 or taxi or a vehicle not operated on a scheduled route basis.
- 24 44. "Reconstructed vehicle" means a vehicle that has been assembled or
25 constructed largely by means of essential parts, new or used, derived from
26 vehicles or makes of vehicles of various names, models and types or that, if
27 originally otherwise constructed, has been materially altered by the removal
28 of essential parts or by the addition or substitution of essential parts, new
29 or used, derived from other vehicles or makes of vehicles. For the purposes
30 of this paragraph, "essential parts" means integral and body parts, the
31 removal, alteration or substitution of which will tend to conceal the
32 identity or substantially alter the appearance of the vehicle.
- 33 45. "Residence district" means the territory contiguous to and
34 including a highway not comprising a business district if the property on the
35 highway for a distance of three hundred feet or more is in the main improved
36 with residences or residences and buildings in use for business.
- 37 46. "Right-of-way" when used within the context of the regulation of
38 the movement of traffic on a highway means the privilege of the immediate use
39 of the highway. Right-of-way when used within the context of the real
40 property on which transportation facilities and appurtenances to the
41 facilities are constructed or maintained means the lands or interest in lands
42 within the right-of-way boundaries.
- 43 47. "School bus" means a motor vehicle that is designed for carrying
44 more than ten passengers and that is either:

1 (a) Owned by any public or governmental agency or other institution
2 and operated for the transportation of children to or from home or school on
3 a regularly scheduled basis.

4 (b) Privately owned and operated for compensation for the
5 transportation of children to or from home or school on a regularly scheduled
6 basis.

7 48. "Semitrailer" means a vehicle that is with or without motive power,
8 other than a pole trailer, that is designed for carrying persons or property
9 and for being drawn by a motor vehicle and that is constructed so that some
10 part of its weight and that of its load rests on or is carried by another
11 vehicle. For the purposes of this paragraph, "pole trailer" has the same
12 meaning prescribed in section 28-601.

13 49. "State" means a state of the United States and the District of
14 Columbia.

15 50. "State highway" means a state route or portion of a state route
16 that is accepted and designated by the board as a state highway and that is
17 maintained by the state.

18 51. "State route" means a right-of-way whether actually used as a
19 highway or not that is designated by the board as a location for the
20 construction of a state highway.

21 52. "Street" or "highway" means the entire width between the boundary
22 lines of every way if a part of the way is open to the use of the public for
23 purposes of vehicular travel.

24 53. "Taxi" means a motor vehicle that has a seating capacity not
25 exceeding fifteen passengers, including the driver, that is registered as a
26 taxi in this state or any other state, that provides passenger services and
27 that:

28 (a) Does not operate on a regular route or between specified places.

29 (b) Offers local transportation for a fare determined primarily on the
30 basis of the distance traveled.

31 54. "TRAFFIC SURVIVAL SCHOOL" MEANS A SCHOOL THAT OFFERS EDUCATIONAL
32 SESSIONS TO DRIVERS WHO ARE REQUIRED TO ATTEND AND SUCCESSFULLY COMPLETE
33 EDUCATIONAL SESSIONS PURSUANT TO THIS TITLE THAT ARE DESIGNED TO IMPROVE THE
34 SAFETY AND HABITS OF DRIVERS AND THAT ARE APPROVED BY THE DEPARTMENT.

35 ~~54-~~ 55. "Trailer" means a vehicle that is with or without motive
36 power, other than a pole trailer, that is designed for carrying persons or
37 property and for being drawn by a motor vehicle and that is constructed so
38 that no part of its weight rests on the towing vehicle. A semitrailer
39 equipped with an auxiliary front axle commonly known as a dolly is deemed to
40 be a trailer. For the purposes of this paragraph, "pole trailer" has the same
41 meaning prescribed in section 28-601.

42 ~~55-~~ 56. "Truck" means a motor vehicle designed or used primarily for
43 the carrying of property other than the effects of the driver or passengers
44 and includes a motor vehicle to which has been added a box, a platform or
45 other equipment for such carrying.

1 ~~56.~~ 57. "Truck tractor" means a motor vehicle that is designed and
2 used primarily for drawing other vehicles and that is not constructed to
3 carry a load other than a part of the weight of the vehicle and load drawn.

4 ~~57.~~ 58. "Vehicle" means a device in, on or by which a person or
5 property is or may be transported or drawn on a public highway, excluding
6 devices moved by human power or used exclusively on stationary rails or
7 tracks.

8 ~~58.~~ 59. "Vehicle transporter" means either:

9 (a) A truck tractor capable of carrying a load and drawing a
10 semitrailer.

11 (b) A truck tractor with a stinger-steered fifth wheel capable of
12 carrying a load and drawing a semitrailer or a truck tractor with a dolly
13 mounted fifth wheel that is securely fastened to the truck tractor at two or
14 more points and that is capable of carrying a load and drawing a semitrailer.

15 Sec. 3. Section 28-645, Arizona Revised Statutes, is amended to read:

16 ~~28-645.~~ Traffic control signal legend

17 A. If traffic is controlled by traffic control signals exhibiting
18 different colored lights or colored lighted arrows successively one at a time
19 or in combination, only the colors green, red and yellow shall be used,
20 except for special pedestrian signals carrying a word legend. The lights
21 shall indicate and apply to drivers of vehicles and pedestrians as follows:

22 1. Green indication:

23 (a) Vehicular traffic facing a green signal may proceed straight
24 through or turn right or left unless a sign at that place prohibits either
25 turn. Vehicular traffic, including vehicles turning right or left, shall
26 yield the right-of-way to other vehicles and to pedestrians lawfully within
27 the intersection or an adjacent crosswalk at the time the signal is
28 exhibited.

29 (b) Vehicular traffic facing a green arrow signal, shown alone or in
30 combination with another indication, may cautiously enter the intersection
31 only to make the movement indicated by such arrow or such other movement as
32 is permitted by other indications shown at the same time. Vehicular traffic
33 shall yield the right-of-way to pedestrians lawfully within an adjacent
34 crosswalk and to other traffic lawfully using the intersection.

35 (c) Unless otherwise directed by a pedestrian control signal as
36 provided in section 28-646, pedestrians facing any green signal, except if
37 the sole green signal is a turn arrow, may proceed across the roadway within
38 any marked or unmarked crosswalk.

39 2. Steady yellow indication:

40 (a) Vehicular traffic facing a steady yellow signal is warned by the
41 signal that the related green movement is being terminated or that a red
42 indication will be exhibited immediately thereafter when vehicular traffic
43 shall not enter the intersection.

44 (b) Unless otherwise directed by a pedestrian control signal as
45 provided in section 28-646, pedestrians facing a steady yellow signal are

1 advised by the signal that there is insufficient time to cross the roadway
2 before a red indication is shown and a pedestrian shall not then start to
3 cross the roadway.

4 3. Red indication:

5 (a) Except as provided in subdivisions (b) and (c) of this paragraph,
6 vehicular traffic facing a steady red signal alone shall stop before entering
7 the intersection and shall remain standing until an indication to proceed is
8 shown. On receipt of a record of judgment for a violation of this
9 subdivision or an act in another jurisdiction that if committed in this state
10 would be a violation of this section, the department shall order the person
11 to attend and successfully complete traffic survival school ~~training and~~
12 educational sessions within sixty days after the department issues the order.
13 Notwithstanding section 28-3315, if the person fails to attend or
14 successfully complete traffic survival school ~~training and~~ educational
15 sessions, the department shall suspend the person's driving privilege
16 pursuant to section 28-3306 until the person attends and successfully
17 completes traffic survival school ~~training and~~ educational sessions. A
18 person whose driving privilege is suspended pursuant to this subdivision may
19 request a hearing. If the person requests a hearing, the department shall
20 conduct the hearing as prescribed in section 28-3306. A law enforcement
21 officer or a jurisdiction issuing a citation to a person who violates this
22 subdivision shall provide written notice to the person that if eligible, the
23 person may attend defensive driving school or, if not eligible or if the
24 person chooses not to attend defensive driving school and is ~~convicted~~ **FOUND**
25 **RESPONSIBLE** or enters a plea of responsible for a violation of this
26 subsection, the person must attend and successfully complete traffic survival
27 school ~~training and~~ educational sessions. The notice shall include a
28 reference to red light violations and state that if the person is required to
29 attend traffic survival school the person will receive notice from the motor
30 vehicle division.

31 (b) The driver of a vehicle that is stopped in obedience to a red
32 signal and as close as practicable at the entrance to the crosswalk on the
33 near side of the intersection, or if there is no crosswalk, then at the
34 entrance to the intersection, may make a right turn but shall yield the
35 right-of-way to pedestrians and other traffic proceeding as directed by the
36 signal. A right turn may be prohibited against a red signal at any
37 intersection if a sign prohibiting the turn is erected at the intersection.

38 (c) The driver of a vehicle on a one-way street that intersects
39 another one-way street on which traffic moves to the left shall stop in
40 obedience to a red signal but may then make a left turn into the one-way
41 street. The driver shall yield the right-of-way to pedestrians and other
42 traffic proceeding as directed by the signal at the intersection, except that
43 such left turn may be prohibited if a sign prohibiting the turn is erected at
44 the intersection.

1 (d) Unless otherwise directed by a pedestrian control signal as
2 provided in section 28-646, a pedestrian facing a steady red signal alone
3 shall not enter the roadway.

4 B. If an official traffic control signal is erected and maintained at
5 a place other than an intersection, this section applies except as to those
6 provisions of this section that by their nature can have no application. Any
7 stop required shall be made at a sign or marking on the pavement indicating
8 where the stop shall be made, but in the absence of a sign or marking the
9 stop shall be made at the signal.

10 C. The driver of a vehicle approaching an intersection that has an
11 official traffic control signal that is inoperative shall bring the vehicle
12 to a complete stop before entering the intersection and may proceed with
13 caution only when it is safe to do so. If two or more vehicles approach an
14 intersection from different streets or highways at approximately the same
15 time and the official traffic control signal for the intersection is
16 inoperative, the driver of each vehicle shall bring the vehicle to a complete
17 stop before entering the intersection and the driver of the vehicle on the
18 left shall yield the right-of-way to the driver of the vehicle on the right.

19 Sec. 4. Section 28-647, Arizona Revised Statutes, is amended to read:

20 28-647. Flashing signals

21 If an illuminated flashing red or yellow signal is used in a traffic
22 sign or signal it requires obedience by vehicular traffic as follows:

23 1. Flashing red stop signal. If a red lens is illuminated with rapid
24 intermittent flashes, drivers of vehicles shall stop before entering the
25 nearest crosswalk at an intersection or at a limit line if marked, or if
26 none, then before entering the intersection, and the right to proceed is
27 subject to the rules applicable after making a stop at a stop sign. On
28 receipt of a record of judgment for a violation of this paragraph, the
29 department shall order the person to attend and successfully complete traffic
30 survival school ~~training and~~ educational sessions within sixty days after the
31 department issues the order. Notwithstanding section 28-3315, if the person
32 fails to attend or successfully complete traffic survival school ~~training and~~
33 educational sessions, the department shall suspend the person's driving
34 privilege pursuant to section 28-3306 until the person attends and
35 successfully completes traffic survival school ~~training and~~ educational
36 sessions. A person whose driving privilege is suspended pursuant to this
37 paragraph may request a hearing. If the person requests a hearing, the
38 department shall conduct the hearing as prescribed in section 28-3306. A law
39 enforcement officer or a jurisdiction issuing a citation to a person who
40 violates this paragraph shall provide written notice to the person that if
41 eligible, the person may attend defensive driving school or, if not eligible
42 or if the person chooses not to attend defensive driving school and is
43 ~~convicted~~ FOUND RESPONSIBLE or enters a plea of responsible for a violation
44 of this paragraph, the person must attend and successfully complete traffic
45 survival school ~~training and~~ educational sessions. The notice shall include

1 a reference to red light violations and state that if the person is required
2 to attend traffic survival school the person will receive notice from the
3 motor vehicle division.

4 2. Flashing yellow caution signal. If a yellow lens is illuminated
5 with rapid intermittent flashes, drivers of vehicles may proceed through the
6 intersection or past the signal only with caution.

7 Sec. 5. Section 28-672, Arizona Revised Statutes, is amended to read:

8 28-672. Causing serious physical injury or death by a moving
9 violation; time limitation; penalties;
10 classification; definition

11 A. A person is guilty of causing serious physical injury or death by a
12 moving violation if the person violates any one of the following and the
13 violation results in an accident causing serious physical injury or death to
14 another person:

15 1. Section 28-645, subsection A, paragraph 3, subdivision (a).

16 2. Section 28-729.

17 3. Section 28-771.

18 4. Section 28-772.

19 5. Section 28-773.

20 6. Section 28-792.

21 7. Section 28-794.

22 8. Section 28-797, subsection F, G, H or I.

23 9. Section 28-855, subsection B.

24 10. Section 28-857, subsection A.

25 B. A person who violates this section shall attend and successfully
26 complete traffic survival school ~~training and~~ educational sessions that are
27 designed to improve the safety and habits of drivers and that are approved by
28 the department. In addition, the court may order the person to perform
29 community restitution.

30 C. The court shall report a conviction for a violation of this section
31 to the department and:

32 1. For a first violation of this section, may direct the department to
33 suspend the person's driving privilege for not more than ninety days if the
34 violation results in serious physical injury and not more than one hundred
35 eighty days if the violation results in death.

36 2. For a second or subsequent violation of this section within a
37 period of thirty-six months, shall direct the department to suspend the
38 person's driving privilege for ninety days if the violation results in
39 serious physical injury and one hundred eighty days if the violation results
40 in death.

41 D. If a person's driving privilege is suspended pursuant to any other
42 statute because of an incident involving a violation of this section, the
43 suspension period prescribed in subsection C of this section shall run
44 concurrently with the other suspension period.

1 E. If a person fails to successfully complete traffic survival school
2 ~~training and~~ educational sessions or perform community restitution pursuant
3 to this section, the court shall notify the department and the department
4 shall promptly suspend the driver license or permit of the driver or the
5 privilege of a nonresident to drive a motor vehicle in this state until the
6 order is satisfied.

7 F. If the person who suffers serious physical injury as a result of a
8 violation of this section appears before the court in which the action is
9 pending at any time before trial and acknowledges receipt of satisfaction for
10 the injury, on payment of the costs incurred, the court shall order that the
11 prosecution be dismissed and the defendant be discharged. The reasons for
12 the order shall be set forth and entered of record, and the order shall be a
13 bar to another prosecution for the same offense.

14 G. Restitution awarded pursuant to section 13-603 as a result of a
15 violation of this section shall not exceed ten thousand dollars.

16 H. A prosecution for a violation of this section must be commenced
17 within two years after actual discovery of the offense by the state or the
18 political subdivision having jurisdiction or discovery by the state or the
19 political subdivision that should have occurred with the exercise of
20 reasonable diligence, whichever first occurs.

21 I. A person who violates this section is guilty of a class 3
22 misdemeanor, except that if the violation results in the death of another
23 person the maximum fine for the person shall be one thousand dollars.

24 J. For the purposes of this section, "serious physical injury" has the
25 same meaning prescribed in section 13-105.

26 Sec. 6. Section 28-695, Arizona Revised Statutes, is amended to read:
27 28-695. Aggressive driving; violation; classification;
28 definition

29 A. A person commits aggressive driving if both of the following occur:

30 1. During a course of conduct the person commits a violation of either
31 section 28-701, subsection A or section 28-701.02 and at least two of the
32 following violations:

33 (a) Failure to obey traffic control devices as provided in section
34 28-644.

35 (b) Overtaking and passing another vehicle on the right by driving off
36 the pavement or main traveled portion of the roadway as provided in section
37 28-724.

38 (c) Unsafe lane change as provided in section 28-729.

39 (d) Following a vehicle too closely as provided in section 28-730.

40 (e) Failure to yield the right-of-way as provided in article 9 of this
41 chapter.

42 2. The person's driving is an immediate hazard to another person or
43 vehicle.

44 B. A person convicted of aggressive driving is guilty of a class 1
45 misdemeanor.

1 C. In addition to any other penalty prescribed by law:

2 1. A person convicted of a violation of this section shall attend and
3 successfully complete approved traffic survival school ~~training and~~
4 educational sessions that are designed to improve the safety and habits of
5 drivers and that are approved by the department.

6 2. The court shall forward the abstract of conviction to the
7 department and may order the department to suspend the person's driving
8 privilege for thirty days.

9 D. If a person who is convicted of a violation of this section has
10 been previously convicted of a violation of this section within a period of
11 twenty-four months:

12 1. The person is guilty of a class 1 misdemeanor.

13 2. In addition to any other penalty prescribed by law, the court shall
14 forward the abstract of conviction to the department. On receipt of the
15 abstract of conviction, the department shall revoke the driving privilege of
16 the person for one year.

17 E. The dates of the commission of the offense determine whether
18 subsection D of this section applies. A second or subsequent violation for
19 which a conviction occurs as provided in this section does not include a
20 conviction for an offense arising out of the same series of acts.

21 F. For the purposes of this section "course of conduct" means a series
22 of acts committed during a single, continuous period of driving.

23 Sec. 7. Section 28-3158, Arizona Revised Statutes, is amended to read:
24 28-3158. Driver license or instruction permit application

25 A. A person who applies for an instruction permit or for a driver
26 license shall use a form furnished by the department.

27 B. An applicant shall pay the fee prescribed by section 28-3002 for a
28 driver license or for an instruction permit issued under section 28-3154,
29 28-3155, 28-3156 or 28-3225. Payment of the fee required by this section
30 entitles the applicant to not more than three attempts to pass the written
31 examination or road test within twelve months from the date of the
32 application. The department shall refund an application fee pursuant to
33 section 28-373. ~~An applicant who submits documentation of successful~~
34 ~~completion of a driver education course approved by the department is not~~
35 ~~required to take the road test.~~

36 C. An applicant for an instruction permit or a driver license shall
37 give the department satisfactory proof of the applicant's full legal name,
38 date of birth, sex and residence address and that the applicant's presence in
39 the United States is authorized under federal law.

40 D. The application for an instruction permit or a driver license shall
41 state the following:

42 1. A brief description of the applicant and any other identifying
43 information required by the department.

1 2. Whether the applicant has been licensed, and if so, the type of
2 license issued, when the license was issued and what state or country issued
3 the license.

4 3. Whether the license was suspended or revoked or whether an
5 application was ever refused, and if so, the date of and reason for the
6 suspension, revocation or refusal.

7 4. If the applicant was never licensed, the applicant's last previous
8 state or country of residence.

9 5. The social security number of the applicant unless the application
10 is for a nonresident commercial driver license.

11 E. The department shall:

12 1. Verify that a social security number provided by an applicant is a
13 valid number assigned to that applicant.

14 2. Retain the social security number in its records.

15 F. The social security number provided to the department pursuant to
16 subsection D of this section for an applicant's driver license or instruction
17 permit shall not appear on an applicant's driver license or instruction
18 permit unless the applicant requests that the social security number appear
19 on the applicant's driver license or instruction permit as the driver license
20 or instruction permit number. Except as provided in sections 28-455 and
21 41-1954, the department shall not release the social security number to any
22 person unless the applicant requests that the social security number appear
23 on the applicant's driver license or instruction permit as the driver license
24 or instruction permit number. The provisions of this subsection shall be
25 included in each application.

26 G. The department may adopt and implement procedures to deny a driver
27 license or instruction permit to a person who has been deported. The
28 department may adopt and implement procedures to reinstate a person's
29 privilege to apply for a driver license or permit if the person's legal
30 presence status is restored.

31 H. On request of an applicant, the department shall allow the
32 applicant to provide on the license or permit a post office box address that
33 is regularly used by the applicant.

34 I. The department may request an applicant who appears in person for a
35 license, a duplicate license or reinstatement of a driving privilege to
36 complete satisfactorily the vision screening prescribed by the department.

37 J. If a driver license applicant submits satisfactory proof to the
38 department that the applicant is a veteran, on request of the applicant, the
39 department shall allow a distinguishing mark to appear on the license that
40 identifies the person as a veteran.

41 Sec. 8. Section 28-3164, Arizona Revised Statutes, is amended to read:

42 28-3164. Original applicants; examination

43 A. The department may **DO ANY OF THE FOLLOWING:**

44 1. Examine an applicant for an original driver license. ~~or the~~
45 ~~department may~~

1 2. Accept the examination conducted by an authorized third party
2 pursuant to chapter 13 of this title ~~or documentation of successful~~
3 ~~completion of a driver education course approved by the department.~~
4 BEGINNING JULY 1, 2014, THE THIRD PARTY MUST BE AUTHORIZED PURSUANT TO
5 SECTION 28-5101.01 OR 28-5101.03.

6 3. ACCEPT DOCUMENTATION OF SUCCESSFUL COMPLETION OF A DRIVER TRAINING
7 COURSE APPROVED BY THE DEPARTMENT. BEGINNING JULY 1, 2014, THE DOCUMENTATION
8 MUST BE PROVIDED BY A THIRD PARTY AUTHORIZED PURSUANT TO SECTION 28-5101.02.

9 4. ACCEPT DOCUMENTATION THAT THE APPLICANT HAS SUCCESSFULLY COMPLETED
10 EDUCATION ON SPECIAL PERFORMANCE EQUIPMENT AND MEDICALLY RELATED DRIVING
11 CIRCUMSTANCES. BEGINNING JULY 1, 2014, THE DOCUMENTATION MUST BE PROVIDED BY
12 A THIRD PARTY AUTHORIZED PURSUANT TO SECTION 28-5101.02.

13 5. ACCEPT DOCUMENTATION THAT THE APPLICANT HAS SUCCESSFULLY COMPLETED
14 DRIVER EDUCATION LESSONS PROVIDED BY AN INSTRUCTOR WHO IS CERTIFIED BY THE
15 SUPERINTENDENT OF PUBLIC INSTRUCTION.

16 B. The examination shall include all of the following:

17 1. A test of the applicant's:

18 (a) Eyesight.

19 (b) Ability to read and understand official traffic control devices.

20 (c) Knowledge of safe driving practices and the traffic laws of this
21 state, including those practices and laws relating to bicycles.

22 2. An actual demonstration of ability to exercise ordinary and
23 reasonable control in the operation of a vehicle or vehicle combination of
24 the type covered by the license classification or endorsement for which the
25 applicant applies.

26 3. Other physical and mental examinations if the department finds them
27 necessary to determine the applicant's fitness to safely operate a motor
28 vehicle on the highways.

29 ~~B.~~ C. The department may examine an original applicant for a class M
30 license or a motorcycle endorsement or the department may accept the
31 examination conducted by an authorized third party pursuant to chapter 13,
32 article 1 of this title OR DOCUMENTATION OF SUCCESSFUL COMPLETION OF A
33 MOTORCYCLE TRAINING PROGRAM APPROVED BY THE DEPARTMENT. BEGINNING JULY 1,
34 2014, THE DOCUMENTATION OF SUCCESSFUL COMPLETION OF A MOTORCYCLE TRAINING
35 PROGRAM MUST BE PROVIDED BY A THIRD PARTY MOTORCYCLE DRIVER LICENSE TRAINING
36 PROVIDER AUTHORIZED PURSUANT TO SECTION 28-5101.02 OR A MOTORCYCLE TRAINING
37 PROGRAM APPROVED BY THE DEPARTMENT AND PROVIDED IN ANOTHER STATE OR BY THE
38 UNITED STATES MILITARY. The department may examine an applicant who has a
39 motorcycle license from another jurisdiction. This examination shall be the
40 same as for all applicants, except that the department may make modifications
41 it finds necessary to determine the applicant's fitness to operate a
42 motorcycle, motor driven cycle or moped on the highways.

43 ~~C.~~ D. The department shall examine a person who holds a driver
44 license issued by another country and who applies for an initial license in
45 this state as an original applicant, except that the department may waive an

1 actual demonstration of the ability to exercise ordinary and reasonable
2 control in the operation of a motor vehicle if the person applies for a class
3 D or G license and appears to meet the department's medical qualifications
4 and if the out-of-state license is not revoked or is not expired for more
5 than one year.

6 ~~D.~~ E. The department may waive the driving examination for initial
7 applicants for a class M license or a motorcycle endorsement if all of the
8 following conditions exist:

9 1. The applicant's current license indicates the applicant has been
10 specifically licensed to operate a motorcycle.

11 2. The applicant appears to meet the department's medical
12 qualifications.

13 3. The applicant's out-of-state license is not revoked or is not
14 expired for more than one year.

15 Sec. 9. Section 28-3303, Arizona Revised Statutes, is amended to read:

16 28-3303. Suspension or revocation of driver license or
17 privilege for actions outside of state

18 A. Except as provided in subsection B of this section, the department
19 may suspend or revoke the license or driving privilege of a resident of this
20 state or the privilege of a nonresident to drive a motor vehicle in this
21 state or may require the person to successfully complete approved traffic
22 survival school ~~training and~~ educational sessions as prescribed in section
23 28-3306 on receipt of notice of a conviction of the person of an offense in
24 another jurisdiction that would be grounds for the suspension or revocation
25 of the person's driver license if the offense had been committed in this
26 state. Section 28-3306, subsections C through G apply if a person's license
27 or driving privilege is suspended or revoked or if a person is required to
28 successfully complete approved driver ~~training and~~ educational sessions as
29 provided by this subsection.

30 B. The department shall revoke the license or driving privilege of a
31 resident of this state or the privilege of a nonresident to drive a motor
32 vehicle in this state after receiving notice of a conviction of the person in
33 another jurisdiction and after determining that the conviction was for an
34 offense that if committed in this state would be grounds for revocation
35 pursuant to section 28-3304 or chapter 3, 4 or 5 of this title.

36 C. The department may suspend or revoke the driver license of a
37 resident of this state who fails to comply with the terms of a traffic
38 citation that is lawfully issued in a jurisdiction outside this state
39 pursuant to the nonresident violator compact adopted by chapter 6, article 4
40 of this title.

41 D. Notwithstanding chapter 6, articles 3 and 4 of this title and in
42 lieu of suspension of a driver license or driving privileges, the department
43 may issue a temporary driver license that is valid for a period of not more
44 than one hundred eighty days.

1 Sec. 10. Section 28-3306, Arizona Revised Statutes, is amended to
2 read:

3 28-3306. Discretionary license suspension or revocation;
4 traffic survival school; hearing

5 A. The department may suspend or revoke the license of a driver or
6 require a licensee to attend and successfully complete approved traffic
7 survival school ~~training and~~ educational sessions designed to improve the
8 safety and habits of drivers on a showing by department records or other
9 sufficient evidence that the licensee:

10 1. Has committed an offense for which mandatory revocation of the
11 license is required on conviction.

12 2. Has been involved as a driver in an accident resulting in the death
13 or personal injury of another or serious property damage.

14 3. Has been convicted of or adjudged to have violated traffic
15 regulations governing the movement of vehicles with such a frequency that it
16 indicates a disrespect for traffic laws and a disregard for the safety of
17 other persons on the highways.

18 4. Has been convicted of reckless driving as provided in section
19 28-693 or is a habitually reckless or negligent driver of a motor vehicle.

20 5. Is medically, psychologically or physically incapable of operating
21 a motor vehicle and, based on law enforcement, medical or other department
22 information, the continued operation of a motor vehicle by the licensee would
23 endanger the public health, safety and welfare.

24 6. Has committed or permitted an act involving an unlawful or
25 fraudulent use of the license.

26 7. Has committed an offense in another jurisdiction that if committed
27 in this state is grounds for suspension or revocation.

28 8. Has been convicted of a violation of section 28-1381 or 28-1382.

29 9. Has been convicted of a violation of section 28-1464.

30 B. On receipt of satisfactory evidence of a violation of a driver
31 license restriction, the department may suspend or revoke the driver license.

32 C. On suspending or revoking the license of a person or requiring a
33 licensee to attend and successfully complete approved traffic survival school
34 ~~training and~~ educational sessions designed to improve the safety and habits
35 of drivers pursuant to this section, the department shall notify the licensee
36 in writing immediately.

37 D. On the person's request, the department shall provide an
38 opportunity for a hearing on the action taken pursuant to this section as
39 early as practicable but not later than thirty days after receipt of the
40 request. The department shall hold the hearing in the county where the
41 licensee resides unless the law enforcement agency issuing the citation or
42 affidavit that authorizes the suspension or revocation requests at the time
43 of issuance that the hearing be held in the county where the violation
44 allegedly occurred.

1 E. If a hearing is held, the department or its duly authorized agent
2 may administer oaths, may issue subpoenas for the attendance of witnesses and
3 the production of relevant books and papers and may require a reexamination
4 of the licensee.

5 F. At the hearing, the department shall either rescind its order of
6 suspension or its order requiring the licensee to attend and successfully
7 complete approved traffic survival school ~~training and~~ educational sessions
8 or, if good cause exists, the department may uphold or extend the order,
9 revoke the license or make any order that is within its discretionary power
10 under this section and that is in the interest of public safety.

11 G. If a licensee receives notice requiring the licensee to attend and
12 successfully complete approved traffic survival school ~~training and~~
13 educational sessions and the department receives information of noncompliance
14 with this order, the department may amend the order to suspend or revoke the
15 license.

16 H. A person whose driver license is suspended or revoked as provided
17 in subsection A, paragraph 5 of this section may submit a written request to
18 the department for an administrative hearing. The person shall submit the
19 request for a hearing within fifteen days after the department provides the
20 person with notice of suspension or revocation. On receipt of a proper
21 request for a hearing, the department shall provide the person with an
22 opportunity for a hearing in the county where the person resides within
23 thirty days after the department receives the request. The request for a
24 hearing does not stay a summary suspension issued by the department.

25 Sec. 11. Section 28-3307, Arizona Revised Statutes, is amended to
26 read:

27 28-3307. Order to complete traffic survival school educational
28 sessions

29 A. If a licensee is required to attend and successfully complete
30 approved traffic survival school ~~training and~~ educational sessions designed
31 to improve the safety and habits of drivers pursuant to section 28-645,
32 28-647, 28-672, 28-695, 28-3306 or 28-3321, the department shall indicate on
33 the computer record that the licensee is required to complete traffic
34 survival school ~~training and~~ educational sessions.

35 B. On successful completion of the traffic survival school ~~training~~
36 ~~and~~ educational sessions, the department shall record satisfaction of the
37 requirement on the licensee's computer record.

38 ~~C. Governmental agencies, corporations or other individuals that~~
39 ~~conduct traffic survival school training and educational sessions approved by~~
40 ~~the department may collect a fee that is reasonable and commensurate for the~~
41 ~~training.~~

42 ~~D. Notwithstanding any other law, the only limitation on enrollment in~~
43 ~~a traffic survival school training and educational session shall be the~~
44 ~~lawful fire safety capacity of the facility in which the class meets.~~

1 28-3415. License expiration; fees; disposition

2 A. EXCEPT AS PROVIDED IN SECTION 32-4301, ALL LICENSES EXPIRE ON THE
3 LAST DAY OF THE CALENDAR YEAR AND MAY BE RENEWED ON APPLICATION TO THE
4 DIRECTOR AS PRESCRIBED BY RULE.

5 B. EACH APPLICATION FOR AN ORIGINAL OR RENEWAL LICENSE TO OPERATE A
6 TRAFFIC SURVIVAL SCHOOL SHALL BE ACCOMPANIED BY A FEE OF TWO HUNDRED DOLLARS.

7 C. AN APPLICATION FOR A BRANCH LICENSE SHALL BE ACCOMPANIED BY A FEE
8 OF FIFTY DOLLARS.

9 D. A LICENSE FEE MAY NOT BE REFUNDED IF A LICENSE IS SUSPENDED OR
10 REVOKED.

11 E. ALL MONIES RECEIVED BY THE DIRECTOR FROM THE FEES PROVIDED IN THIS
12 ARTICLE SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE
13 STATE HIGHWAY FUND ESTABLISHED BY SECTION 28-6991.

14 28-3416. Suspension and revocation of license; determination;
15 appeal

16 A. AFTER CONDUCTING A HEARING, THE DIRECTOR MAY CANCEL, SUSPEND OR
17 REVOKE THE LICENSE OF A SCHOOL IF THE DIRECTOR FINDS THAT THE LICENSEE HAS
18 NOT COMPLIED WITH OR HAS KNOWINGLY VIOLATED THIS ARTICLE OR ANY RULE ADOPTED
19 PURSUANT TO THIS ARTICLE OR HAS BEEN CONVICTED OF A VIOLATION OF TITLE 13 OR
20 THIS TITLE.

21 B. DECISIONS OF THE DIRECTOR ARE SUBJECT TO JUDICIAL REVIEW PURSUANT
22 TO TITLE 12, CHAPTER 7, ARTICLE 6.

23 28-3417. Cease and desist orders

24 A. IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A TRAFFIC
25 SURVIVAL SCHOOL LICENSED PURSUANT TO THIS ARTICLE HAS VIOLATED OR IS
26 VIOLATING A LAW OF THIS STATE OR RULE ADOPTED BY THE DIRECTOR, THE DIRECTOR
27 MAY IMMEDIATELY ISSUE AND SERVE ON THE LICENSEE, BY PERSONAL DELIVERY OR
28 FIRST CLASS MAIL AT THE BUSINESS ADDRESS OF RECORD, A CEASE AND DESIST ORDER
29 REQUIRING THE LICENSEE TO IMMEDIATELY CEASE AND DESIST FROM FURTHER ENGAGING
30 IN THE BUSINESS OR THE PROHIBITED ACTIVITY, OR BOTH.

31 B. A LICENSEE WHO RECEIVES A CEASE AND DESIST ORDER MAY SUBMIT A
32 WRITTEN REQUEST FOR A HEARING TO THE DIRECTOR. THE LICENSEE SHALL SUBMIT THE
33 REQUEST FOR A HEARING WITHIN THIRTY DAYS AFTER THE LICENSEE RECEIVES THE
34 CEASE AND DESIST ORDER. ON FAILURE OF A LICENSEE TO COMPLY WITH THE ORDER OR
35 AFTER A REQUESTED HEARING, THE DIRECTOR MAY SUSPEND OR CANCEL THE LICENSEE'S
36 LICENSE PURSUANT TO SECTION 28-3416.

37 28-3418. Violation; classification

38 A PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE IS GUILTY OF A
39 CLASS 3 MISDEMEANOR.

40 Sec. 15. Section 28-5101, Arizona Revised Statutes, is amended to
41 read:

42 28-5101. Third party authorization

43 A. The director may authorize third parties to perform certain OF THE
44 FOLLOWING FUNCTIONS:

- 45 1. Title and registration. ~~—~~

- 1 2. Motor carrier licensing and tax reporting. ~~—~~
- 2 3. Dealer licensing. ~~and~~
- 3 4. Driver ~~license functions~~ LICENSING AS PRESCRIBED IN SECTIONS
- 4 28-5101.01, 28-5101.02 AND 28-5101.03.

5 B. The director may authorize a person to be a third party electronic
6 service provider or, beginning January 1, 2012, to be a third party
7 electronic service partner. An authorized third party electronic service
8 provider shall meet all of the requirements established by the department.
9 Beginning January 1, 2012:

10 1. The written agreement between the department and the authorized
11 third party electronic service provider may be for a limited number of
12 services and may limit the persons that may receive the services.

13 2. An authorized third party electronic service partner shall meet the
14 requirements established by the department and shall be selected through a
15 competitive bid process.

16 C. A person shall not engage in any business pursuant to this article
17 unless the director authorizes the person to engage in the business.

18 D. The director may furnish necessary documents or license plates
19 subject to this article.

20 E. Except as provided in subsection F of this section, an authorized
21 third party or an authorized third party electronic service provider shall
22 submit to the department all statutorily prescribed fees and taxes it
23 collects. In addition to the statutorily prescribed fees and taxes, an
24 authorized third party or an authorized third party electronic service
25 provider may collect and retain a reasonable and commensurate fee for its
26 services.

27 F. In addition to payment pursuant to section 28-374, the department
28 shall reimburse the authorized third party or third party electronic service
29 provider as follows:

30 1. One dollar of each initial, renewal, replacement or duplicate
31 registration fee for a vehicle or an aircraft.

32 2. One dollar of each initial, duplicate or transfer title fee for a
33 vehicle or an aircraft.

34 3. An amount equal to two per cent of each vehicle license tax payment
35 or aircraft license tax payment the authorized third party collects and
36 submits to the department or four dollars for each registration year or part
37 of a registration year, whichever is more. The reimbursement amount shall
38 not exceed the amount of vehicle license tax or aircraft license tax
39 collected.

40 4. Four dollars for each initial, renewal, replacement or duplicate
41 application that the third party processes and that relates to driver
42 licenses, nonoperating identification licenses or permits. An authorized
43 third party may add the cost for expedited processing of renewal, replacement
44 or duplicate applications if requested by the applicant.

- 1 5. An amount equal to two per cent of each overweight or excess size
2 vehicle registration or permit fee the third party collects and submits to
3 the department or one dollar for each overweight or excess size vehicle
4 registration or permit processed, whichever is more.
- 5 6. One dollar for each motor vehicle or special motor vehicle record,
6 excluding motor vehicle records released to commercial recipients, including
7 insurers and their authorized agents.
- 8 7. Five dollars or one-fourth of one per cent of the fuel taxes
9 reported, whichever is greater, for each fuel tax report filed
10 electronically. In fiscal years 2008-2009 through 2012-2013, the maximum
11 annual amount retained each year shall not exceed one million five hundred
12 thousand dollars. Beginning in fiscal year 2013-2014, the maximum annual
13 amount retained each year shall not exceed four hundred eighty thousand
14 dollars.
- 15 8. One dollar for each fuel tax permit.
- 16 9. One dollar for each nonsufficient funds or dishonored check
17 payment.
- 18 10. One dollar for each abandoned vehicle report processed, except for
19 applications for crushed vehicles.
- 20 11. One dollar for each abandoned vehicle payment.
- 21 12. Two dollars for each initial special or personalized license plate
22 application.
- 23 13. One dollar for each initial, renewal or replacement vehicle dealer
24 license plate.
- 25 14. Five dollars for each application for an initial vehicle dealer
26 license or continuation of a vehicle dealer license.
- 27 15. One dollar of each twelve dollar fee paid pursuant to section
28 28-2356.
- 29 16. One dollar for each traffic survival school application and one
30 dollar for each certificate of completion processed.
- 31 17. One dollar for each replacement license plate or tab.
- 32 G. For authorized third party electronic service partners, the amount
33 of compensation and the amount of reimbursements for transactions shall be
34 negotiated by the department and the authorized third party electronic
35 service partner and shall be set forth in the written agreement authorizing
36 the third party electronic service partner. If reimbursement is made for
37 individual transactions, the reimbursements shall not exceed the amounts
38 specified in subsections F, H and I of this section. Other forms of
39 compensation or reimbursements for services may be specified in the written
40 agreement. Compensation and reimbursements provided for by the written
41 agreement may include the development and implementation of information
42 technology and other automated systems and any necessary support for these
43 systems.

1 H. The department's authorized third party electronic service provider
2 may retain two dollars for processing documents electronically when the
3 statutory fee pursuant to this title is two dollars or more.

4 I. The director may authorize the third party electronic service
5 provider to process electronic fund transfers to the department for payment
6 of motor vehicle taxes and fees. The third party electronic service provider
7 may add a two dollar processing fee for each electronic funds transfer.

8 J. Each authorized third party that holds itself out as providing
9 services to the general public shall post a sign in a conspicuous location in
10 each facility of the authorized third party that contains ALL OF THE
11 FOLLOWING:

12 1. The amount charged for each transaction performed by the authorized
13 third party. ~~and~~

14 2. The amount charged by the department for the same transaction.

15 3. HOW TO FILE A COMPLAINT OR CONCERN WITH THE DEPARTMENT ABOUT THE
16 AUTHORIZED THIRD PARTY.

17 Sec. 16. Title 28, chapter 13, article 1, Arizona Revised Statutes, is
18 amended by adding sections 28-5101.01, 28-5101.02 and 28-5101.03, to read:

19 28-5101.01. Authorized third party driver license providers;
20 requirements

21 A. BEGINNING ON OR BEFORE JULY 1, 2014, EXCEPT AS PROVIDED IN SECTION
22 28-5101.03, AN AUTHORIZED THIRD PARTY DRIVER LICENSE PROVIDER MUST PERFORM
23 BOTH OF THE FOLLOWING:

24 1. DRIVER LICENSE SKILLS AND WRITTEN TESTING.

25 2. DRIVER LICENSE PROCESSING.

26 B. A PERSON WHO IS A THIRD PARTY DRIVER LICENSE PROVIDER AUTHORIZED
27 PURSUANT TO THIS SECTION MAY ALSO BE AUTHORIZED PURSUANT TO THIS ARTICLE TO
28 PERFORM CERTAIN TITLE AND REGISTRATION FUNCTIONS.

29 C. A PERSON WHO APPLIES FOR AUTHORIZATION PURSUANT TO THIS SECTION
30 SHALL SUBMIT WITH THE APPLICATION ALL OF THE FOLLOWING:

31 1. A BOND IN A FORM TO BE APPROVED BY THE DIRECTOR AND IN AN AMOUNT OF
32 AT LEAST THREE HUNDRED THOUSAND DOLLARS FOR AN INITIAL APPLICATION FOR
33 AUTHORIZATION PURSUANT TO THIS SECTION AND AN ADDITIONAL ONE HUNDRED THOUSAND
34 DOLLARS FOR EACH ADDITIONAL LOCATION PROVIDING DRIVER LICENSE FUNCTIONS
35 PRESCRIBED IN SUBSECTION A OF THIS SECTION, EXCEPT THAT IF THE AUTHORIZED
36 THIRD PARTY IS ALSO AUTHORIZED PURSUANT TO THIS ARTICLE TO PERFORM CERTAIN
37 TITLE AND REGISTRATION FUNCTIONS AT THE SAME LOCATION ONLY A SINGLE ONE
38 HUNDRED THOUSAND DOLLAR BOND IS REQUIRED FOR THAT LOCATION. THE TOTAL BOND
39 AMOUNT REQUIRED BY THIS PARAGRAPH SHALL NOT EXCEED ONE MILLION DOLLARS. THE
40 BOND REQUIREMENTS OF THIS PARAGRAPH DO NOT APPLY TO GOVERNMENT ENTITIES
41 PRESCRIBED IN SECTION 28-5104, SUBSECTION E, PARAGRAPHS 1, 2, 3, 5 AND 11.

42 2. DOCUMENTATION THAT THE APPLICANT SATISFIES ALL OF THE FOLLOWING:

43 (a) HAS BEEN AN AUTHORIZED THIRD PARTY PURSUANT TO THIS CHAPTER FOR AT
44 LEAST THE IMMEDIATELY PRECEDING THREE YEARS.

1 (b) HAS CONDUCTED AN AVERAGE OF AT LEAST ONE THOUSAND RETENTION
2 TRANSACTIONS PER MONTH FOR THE PREVIOUS CALENDAR YEAR.

3 (c) IS IN GOOD STANDING WITH THE DEPARTMENT.

4 (d) HAS A FACILITY PLAN FOR EACH LOCATION THAT SHOWS ADEQUATE SPACE
5 AND EQUIPMENT NECESSARY TO PERFORM THE FUNCTIONS PRESCRIBED IN SUBSECTION A
6 OF THIS SECTION.

7 3. DOCUMENTATION THAT THE APPLICANT HAS DURING BUSINESS HOURS AT LEAST
8 ONE CERTIFIED PROCESSOR QUALIFIED TO PERFORM AT A MINIMUM ALL OF THE
9 FOLLOWING AT EACH LOCATION:

10 (a) FRAUDULENT DOCUMENT RECOGNITION.

11 (b) IGNITION INTERLOCK REQUIREMENTS.

12 (c) DRIVER LICENSE REINSTATEMENTS.

13 D. A THIRD PARTY DRIVER LICENSE PROVIDER AUTHORIZED PURSUANT TO THIS
14 SECTION MUST COMPLY WITH ALL QUALITY CONTROL REQUIREMENTS PRESCRIBED BY THE
15 DEPARTMENT.

16 E. A THIRD PARTY DRIVER LICENSE PROVIDER AUTHORIZED PURSUANT TO
17 SUBSECTION A OF THIS SECTION SHALL NOT PROCESS COMMERCIAL DRIVER LICENSES.

18 28-5101.02. Authorized third party driver license training
19 providers; requirements

20 A. BEGINNING JULY 1, 2014, A PERSON MUST BE AN AUTHORIZED THIRD PARTY
21 DRIVER LICENSE TRAINING PROVIDER TO PERFORM DRIVER LICENSE TRAINING.

22 B. A PERSON WHO APPLIES FOR AUTHORIZATION PURSUANT TO THIS SECTION IS
23 NOT REQUIRED TO SUBMIT A BOND WITH THE APPLICATION.

24 C. A THIRD PARTY DRIVER LICENSE TRAINING PROVIDER AUTHORIZED PURSUANT
25 TO THIS SECTION MUST COMPLY WITH ALL QUALITY CONTROL REQUIREMENTS PRESCRIBED
26 BY THE DEPARTMENT.

27 28-5101.03. Authorized third party commercial driver license
28 examiners; requirements

29 A. BEGINNING JULY 1, 2014, A PERSON MUST BE A SEPARATELY AUTHORIZED
30 THIRD PARTY COMMERCIAL DRIVER LICENSE EXAMINER TO PERFORM COMMERCIAL DRIVER
31 LICENSE SKILLS TESTING.

32 B. A THIRD PARTY COMMERCIAL DRIVER LICENSE EXAMINER AUTHORIZED
33 PURSUANT TO THIS SECTION MUST COMPLY WITH ALL QUALITY CONTROL REQUIREMENTS
34 PRESCRIBED BY THE DEPARTMENT.

35 Sec. 17. Section 28-5102, Arizona Revised Statutes, is amended to
36 read:

37 28-5102. Powers and duties of director

38 A. The director shall:

39 1. Supervise and regulate all persons required by this article to
40 obtain authorization.

41 2. Establish minimum quality standards of service and a quality
42 assurance program for authorized third parties to ensure that an authorized
43 third party is complying with the minimum standards.

44 3. ADOPT RULES TO ADMINISTER AND ENFORCE THIS CHAPTER.

- 1 B. The director may:
- 2 1. Conduct investigations the director deems necessary.
- 3 2. Conduct audits.
- 4 3. Make on-site inspections during regular business hours and at
- 5 locations as the director deems appropriate to determine compliance by an
- 6 authorized third party with this article. If an inspection is conducted at a
- 7 place located outside this state, the director may charge a fee to the
- 8 authorized third party.
- 9 4. Require that an authorized third party or employees or agents of an
- 10 authorized third party be certified to perform the functions prescribed in
- 11 this article.
- 12 5. Require authorized third parties and authorized third party
- 13 electronic service providers to reimburse the department for mutually agreed
- 14 on costs.
- 15 Sec. 18. Section 28-5104, Arizona Revised Statutes, is amended to
- 16 read:
- 17 28-5104. Bond requirement
- 18 A. EXCEPT AS PROVIDED IN SECTIONS 28-5101.01 AND 28-5101.02, a person
- 19 who applies for authorization pursuant to this article shall submit with the
- 20 application a bond in a form to be approved by the director and in an amount
- 21 of at least one hundred thousand dollars FOR EACH LOCATION.
- 22 B. A surety company authorized to transact business in this state
- 23 shall execute the bond with the applicant as principal obligor on the bond
- 24 and the state as obligee. The bond shall be conditioned that the applicant
- 25 will faithfully comply with all of the provisions of law and that the bond is
- 26 noncancellable without at least sixty days' prior notice to the director.
- 27 Any future liability of the surety company terminates on the director's
- 28 termination of a third party's authorization.
- 29 C. The bond inures to the benefit of any person who suffers loss
- 30 because of any of the following:
- 31 1. Nonpayment by the authorized person of any fee or tax paid to the
- 32 third party by that person.
- 33 2. Insolvency or discontinuance of business.
- 34 3. Failure of the authorized third party to comply with the authorized
- 35 third party's duties pursuant to this article.
- 36 D. The aggregate liability of a surety company for any breach of the
- 37 conditions of a bond required pursuant to this section shall not exceed the
- 38 amount of the bond.
- 39 E. The bond requirement of this section does not apply to:
- 40 1. A department, AN agency or A political subdivision of this state.
- 41 2. An Arizona court.
- 42 3. An Arizona law enforcement agency or department.
- 43 4. A financial institution or enterprise under the jurisdiction of the
- 44 department of financial institutions or a federal monetary authority.
- 45 5. The federal government or any of its agencies.

1 6. A motor vehicle dealer that is licensed and bonded by the
2 department of transportation or a state organization of licensed and bonded
3 motor vehicle dealers.

4 7. A manufacturer, AN importer, A factory branch or A distributor
5 licensed by the department of transportation.

6 8. An insurer under the jurisdiction of the department of insurance.

7 9. An owner or A registrant of a fleet of one hundred or more
8 vehicles.

9 10. A public utility.

10 11. A tribal government.

11 12. An employer or association that has at least five hundred employees
12 or members.

13 Sec. 19. Section 28-5107, Arizona Revised Statutes, is amended to
14 read:

15 28-5107. Application denial; hearing; appeal

16 A. The director ~~shall~~ MAY deny an application for third party
17 authorization or certification, or both, under this article and shall advise
18 the applicant in writing within twenty days of the denial and the grounds for
19 the denial if the director determines ~~from the information revealed in the~~
20 ~~criminal history check pursuant to section 28-5105~~ THAT any of the following
21 APPLIES:

22 1. ~~That~~ The applicant is not eligible for third party authorization or
23 certification, or both, under this article.

24 2. ~~That~~ The application is not made in good faith.

25 3. ~~That~~ The application contains a material misrepresentation or
26 misstatement.

27 4. ~~That~~ The applicant has not met the requirements of law.

28 B. An applicant who is aggrieved by the denial of an application may
29 make a written request to the department for a hearing on the application
30 within thirty days after service of the notice of denial. If the applicant
31 does not request a hearing within thirty days, the denial is final.

32 C. If the applicant requests a hearing, the director shall give
33 written notice to the applicant to appear at a hearing to show cause why the
34 denial of the applicant's application should not be upheld. After
35 consideration of the evidence presented at the hearing, the director shall
36 serve notice in writing to the applicant of the director's findings and
37 order. A timely request for a hearing stays the denial of the application.

38 D. If the application is denied, the applicant may appeal the decision
39 pursuant to title 12, chapter 7, article 6.

40 Sec. 20. Section 28-5108, Arizona Revised Statutes, is amended to
41 read:

42 28-5108. Cancellation or suspension of authorization or
43 certification; hearing; appeal

44 A. The director may suspend or cancel an authorization or
45 certification, or both, granted pursuant to this article if the director

1 determines that the third party or certificate holder has done any of the
2 following:

- 3 1. Made a material misrepresentation or misstatement in the
4 application for authorization or certification.
- 5 2. Violated a law of this state.
- 6 3. Violated a rule or policy adopted by the department.
- 7 4. Failed to keep and maintain records required by this article.
- 8 5. Allowed an unauthorized person to engage in any business pursuant
9 to this article.
- 10 6. Been involved in any activity that the director determines to be
11 inappropriate in relation to the authority granted.

12 B. The director may suspend or cancel an authorization or
13 certification, or both, granted pursuant to this chapter if the director
14 determines that an individual included in the application for authorization
15 or certification:

- 16 1. Made a misrepresentation, omission or misstatement in the
17 application to conceal a matter that may cause the application to be denied.
- 18 2. Has been convicted of fraud or an auto related felony in a state,
19 territory or possession of the United States or a foreign country within the
20 ten years immediately preceding the date a criminal records check is
21 complete.
- 22 3. Has been convicted of a felony, other than a felony described in
23 paragraph 2 of this subsection, in a state, territory or possession of the
24 United States or a foreign country within the five years immediately
25 preceding the date a criminal records check is complete.

26 C. The director shall suspend or cancel an authorization of a third
27 party granted pursuant to this article if the director determines that the
28 third party failed to maintain the bond required pursuant to section 28-5104.

29 D. IF THE DIRECTOR HAS REASONABLE GROUNDS TO BELIEVE THAT A
30 CERTIFICATE HOLDER OR OTHER PERSON EMPLOYED BY AN AUTHORIZED THIRD PARTY HAS
31 COMMITTED A SERIOUS VIOLATION, THE DIRECTOR MAY ORDER A SUMMARY SUSPENSION OF
32 THE THIRD PARTY'S AUTHORIZATION GRANTED PURSUANT TO THIS CHAPTER PENDING
33 FORMAL SUSPENSION OR CANCELLATION PROCEEDINGS. FOR THE PURPOSES OF THIS
34 SUBSECTION, "SERIOUS VIOLATION" MEANS:

- 35 1. TITLE OR REGISTRATION FRAUD.
- 36 2. DRIVER LICENSE OR IDENTIFICATION LICENSE FRAUD.
- 37 3. IMPROPER DISCLOSURE OF PERSONAL INFORMATION AS DEFINED IN SECTION
38 28-440.
- 39 4. BRIBERY.
- 40 5. THEFT.

41 ~~D.~~ E. On determining that grounds for suspension or cancellation of
42 an authorization or certification, or both, exist, the director shall give
43 written notice to the third party or certificate holder to appear at a
44 hearing before the director to show cause why the authorization or
45 certification should not be suspended or canceled.

1 ~~E.~~ F. After consideration of the evidence presented at the hearing,
2 the director shall serve notice of the director's finding and order to the
3 third party or certificate holder.

4 ~~F.~~ G. If a third party authorization or a certification is suspended
5 or canceled, the third party or certificate holder may appeal the decision
6 pursuant to title 12, chapter 7, article 6.

7 Sec. 21. Section 28-6991, Arizona Revised Statutes, is amended to
8 read:

9 28-6991. State highway fund; sources

10 A state highway fund is established that consists of:

11 1. Monies distributed from the Arizona highway user revenue fund
12 pursuant to chapter 18 of this title.

13 2. Monies appropriated by the legislature.

14 3. Monies received from donations for the construction, improvement or
15 maintenance of state highways or bridges. These monies shall be credited to
16 a special account and shall be spent only for the purpose indicated by the
17 donor.

18 4. Monies received from counties under cooperative agreements,
19 including proceeds from bond issues. The state treasurer shall deposit these
20 monies to the credit of the fund in a special account on delivery to the
21 treasurer of a concise written agreement between the department and the
22 county stating the purposes for which the monies are surrendered by the
23 county, and these monies shall be spent only as stated in the agreement.

24 5. Monies received from the United States under an act of Congress to
25 provide aid for the construction of rural post roads, but monies received on
26 projects for which the monies necessary to be provided by this state are
27 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
28 shall be allotted by the department and deposited by the state treasurer in
29 the special account within the fund established for each project. On
30 completion of the project, on the satisfaction and discharge in full of all
31 obligations of any kind created and on request of the department, the
32 treasurer shall transfer the unexpended balance in the special account for
33 the project into the state highway fund, and the unexpended balance and any
34 further federal aid thereafter received on account of the project may be
35 spent under the general provisions of this title.

36 6. Monies in the custody of an officer or agent of this state from any
37 source that is to be used for the construction, improvement or maintenance of
38 state highways or bridges.

39 7. Monies deposited in the state general fund and arising from the
40 disposal of state personal property belonging to the department.

41 8. Receipts from the sale or disposal of any or all other property
42 held by the department and purchased with state highway monies.

43 9. Monies generated pursuant to section 28-410.

44 10. Monies distributed pursuant to section 28-5808, subsection B,
45 paragraph 2, subdivision (d).

- 1 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.
2 12. Except as provided in section 28-5101, the following monies:
3 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
4 subsection B, paragraph 2, subdivision (e).
5 (b) One dollar of each registration fee and one dollar of each title
6 fee collected pursuant to section 28-2003.
7 (c) Two dollars of each late registration penalty collected by the
8 director pursuant to section 28-2162.
9 (d) The air quality compliance fee collected pursuant to section
10 49-542.
11 (e) The special plate administration fees collected pursuant to
12 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through
13 28-2448 and 28-2514.
14 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
15 if the director is the registering officer.
16 13. Monies deposited pursuant to chapter 5, article 5 of this title.
17 14. Donations received pursuant to section 28-2269.
18 15. Dealer and registration monies collected pursuant to section
19 28-4304.
20 16. Abandoned vehicle administration monies deposited pursuant to
21 section 28-4804.
22 17. Monies deposited pursuant to section 28-710, subsection D,
23 paragraph 2.
24 18. Monies deposited pursuant to section 28-2065.
25 19. Monies deposited pursuant to section 28-7311.
26 20. Monies deposited pursuant to section 28-7059.
27 21. Monies deposited pursuant to section 28-1105.
28 22. Monies deposited pursuant to section 28-2448, subsection D.
29 23. **MONIES DEPOSITED PURSUANT TO SECTION 28-3415.**
30 Sec. 22. Delayed repeal
31 Title 32, chapter 23, Arizona Revised Statutes, is repealed from and
32 after June 30, 2014.
33 Sec. 23. Section 32-3021, Arizona Revised Statutes, is amended to
34 read:
35 32-3021. Private vocational program license; qualifications;
36 provision of information; exemptions
37 A. A person shall not operate a private vocational program unless the
38 person holds a private vocational program license issued pursuant to this
39 chapter. Each program offered by a private vocational program licensee shall
40 be authorized on a private vocational program license. The board shall
41 prescribe the manner in which the programs shall be identified on the
42 license.
43 B. An applicant for a private vocational program license shall meet
44 all of the following requirements:

- 1 1. Furnish a letter of credit, surety bond or cash deposit as provided
2 in section 32-3023.
- 3 2. Make specific information concerning educational programs,
4 including statements of purpose, objectives, course of study, policies, fees
5 and other pertinent information, available to prospective students and the
6 general public.
- 7 3. Be financially responsible and have management capability.
- 8 4. Maintain a qualified faculty.
- 9 5. Maintain facilities, equipment and materials that are appropriate
10 for the stated program. All facilities shall meet applicable state and local
11 health and safety laws.
- 12 6. Maintain appropriate records as the board prescribes that are
13 properly safeguarded and preserved.
- 14 7. Use only advertisements that are consistent with the information
15 made available as provided in paragraph 2 of this subsection.
- 16 8. Provide courses of instruction that meet stated objectives.
- 17 9. Provide a grievance procedure for students.
- 18 10. Comply with all federal and state laws relating to the operation of
19 a private postsecondary educational institution.
- 20 11. Other requirements the board deems necessary.
- 21 C. An applicant for a private vocational program license shall submit
22 evidence of meeting the requirements prescribed in subsection B of this
23 section to the board. The board shall verify the evidence submitted.
24 Verification shall include on-site verification.
- 25 D. The filing of an application grants the board the authority to
26 obtain information from any of the following:
 - 27 1. A licensing board or agency in any state, district, territory or
28 county of the United States or any foreign country.
 - 29 2. The Arizona criminal justice information system as defined in
30 section 41-1750.
 - 31 3. The federal bureau of investigation.
- 32 E. The board, on application, may issue a private vocational program
33 license to a new educational institution as provided in this section, except
34 that the board shall establish separate minimum standards for licensure
35 requirements of new educational institutions. These minimum standards may
36 include the modification of licensure requirements as provided in subsection
37 B, paragraphs 3, 5, 6, 7 and 8 of this section to meet the circumstances of
38 new educational institutions. The board shall monitor the new educational
39 institution to ensure compliance with the licensure requirements. The board
40 shall issue a private vocational program license as provided in this
41 subsection one time only to new educational institutions.
- 42 F. This section does not apply to any of the following:
 - 43 1. A school licensed pursuant to chapter 3 or 5 of this title.
 - 44 2. An instructional program or course sponsored by a bona fide trade
45 association solely for its members.

1 3. Privately owned academic schools engaged in the process of general
2 education that is designed to produce a level of development equivalent to
3 that necessary to meet the requirements for entrance into a public community
4 college or public university in this state and that may incidentally offer
5 technical and vocational courses as part of the curriculum.

6 4. Schools or private instruction conducted by any person engaged in
7 training, tutoring or teaching individuals or groups, if the instruction is
8 related to hobbies, avocations, academic improvement or recreation and may
9 only incidentally lead to gainful employment and if the instruction is for a
10 period of under forty hours and costs less than one thousand dollars.

11 5. Schools conducted by any person solely for training the person's
12 own employees.

13 6. An instructional program or course offered solely for employees and
14 for the purpose of improving the employees in their employment if both of the
15 following apply:

16 (a) The employee is not charged a fee.

17 (b) The employer provides or funds the program or course pursuant to a
18 valid written contract between the employer and a program or course provider.

19 7. Training conducted pursuant to 14 Code of Federal Regulations
20 part 141.

21 8. A school that solely provides an instructional program for
22 certified nursing assistants and is licensed by the nursing board pursuant to
23 section 32-1606, subsection B, paragraph 11.

24 9. A professional driving training school. ~~licensed by the department
25 of transportation pursuant to chapter 23, articles 1, 2 and 3 of this title.~~

26 10. A training program approved by the board of examiners of nursing
27 care institution administrators and assisted living facility managers that
28 solely provides training for managers and caregivers of assisted living
29 facilities.

30 Sec. 24. Section 41-619.51, Arizona Revised Statutes, is amended to
31 read:

32 41-619.51. Definitions

33 In this article, unless the context otherwise requires:

34 1. "Agency" means the supreme court, the department of economic
35 security, the department of education, the department of health services, the
36 department of juvenile corrections, the department of emergency and military
37 affairs, the department of transportation, the state real estate department
38 or the board of examiners of nursing care institution administrators and
39 assisted living facility managers.

40 2. "Board" means the board of fingerprinting.

41 3. "Central registry exception" means notification to the department
42 of economic security or the department of health services, as appropriate,
43 pursuant to section 41-619.57 that the person is not disqualified because of
44 a central registry check conducted pursuant to section 8-804.

1 4. "Expedited review" means an examination, in accordance with board
2 rule, of the documents an applicant submits by the board or its hearing
3 officer without the applicant being present.

4 5. "Good cause exception" means the issuance of a fingerprint
5 clearance card to an employee pursuant to section 41-619.55.

6 6. "Person" means a person who is required to be fingerprinted
7 pursuant to this article or who is subject to a central registry check and
8 any of the following:

- 9 (a) Section 8-105.
- 10 (b) Section 8-322.
- 11 (c) Section 8-509.
- 12 (d) Section 8-802.
- 13 (e) Section 8-804.
- 14 (f) Section 8-804.01.
- 15 (g) Section 15-183.
- 16 (h) Section 15-534.
- 17 (i) Section 15-782.02.
- 18 (j) Section 15-1330.
- 19 (k) Section 15-1881.
- 20 (l) Section 17-215.
- 21 (m) Section 26-103.
- 22 (n) SECTION 28-3413.
- 23 ~~(n)~~ (o) Section 32-2108.01.
- 24 ~~(o)~~ (p) Section 32-2123.
- 25 ~~(p) Section 32-2371.~~
- 26 (q) Section 36-207.
- 27 (r) Section 36-411.
- 28 (s) Section 36-425.03.
- 29 (t) Section 36-446.04.
- 30 (u) Section 36-594.01.
- 31 (v) Section 36-594.02.
- 32 (w) Section 36-882.
- 33 (x) Section 36-883.02.
- 34 (y) Section 36-897.01.
- 35 (z) Section 36-897.03.
- 36 (aa) Section 36-3008.
- 37 (bb) Section 41-619.53.
- 38 (cc) Section 41-1964.
- 39 (dd) Section 41-1967.01.
- 40 (ee) Section 41-1968.
- 41 (ff) Section 41-1969.
- 42 (gg) Section 41-2814.
- 43 (hh) Section 46-141, subsection A.
- 44 (ii) Section 46-321.

1 Sec. 25. Section 41-1758, Arizona Revised Statutes, is amended to
2 read:

3 41-1758. Definitions

4 In this article, unless the context otherwise requires:

5 1. "Agency" means the supreme court, the department of economic
6 security, the department of education, the department of health services, the
7 department of juvenile corrections, the department of emergency and military
8 affairs, the department of transportation, the state real estate department,
9 the board of fingerprinting or the board of examiners of nursing care
10 institution administrators and assisted living facility managers.

11 2. "Division" means the fingerprinting division in the department of
12 public safety.

13 3. "Good cause exception" means the issuance of a fingerprint
14 clearance card to an employee pursuant to section 41-619.55.

15 4. "Person" means a person who is required to be fingerprinted
16 pursuant to any of the following:

- 17 (a) Section 8-105.
- 18 (b) Section 8-322.
- 19 (c) Section 8-509.
- 20 (d) Section 8-802.
- 21 (e) Section 15-183.
- 22 (f) Section 15-503.
- 23 (g) Section 15-512.
- 24 (h) Section 15-534.
- 25 (i) Section 15-782.02.
- 26 (j) Section 15-1330.
- 27 (k) Section 15-1881.
- 28 (l) SECTION 17-215.
- 29 ~~(i)~~ (m) Section 26-103.
- 30 (n) SECTION 28-3413.
- 31 ~~(m)~~ (o) Section 32-2108.01.
- 32 ~~(n)~~ (p) Section 32-2123.
- 33 ~~(o) Section 32-2371.~~
- 34 ~~(p)~~ (q) Section 36-207.
- 35 ~~(q)~~ (r) Section 36-411.
- 36 ~~(r)~~ (s) Section 36-425.03.
- 37 ~~(s)~~ (t) Section 36-446.04.
- 38 ~~(t)~~ (u) Section 36-594.01.
- 39 ~~(u)~~ (v) Section 36-594.02.
- 40 ~~(v)~~ (w) Section 36-882.
- 41 ~~(w)~~ (x) Section 36-883.02.
- 42 ~~(x)~~ (y) Section 36-897.01.
- 43 ~~(y)~~ (z) Section 36-897.03.
- 44 ~~(z)~~ (aa) Section 36-3008.
- 45 ~~(aa)~~ (bb) Section 41-619.52.

1 ~~(bb)~~ (cc) Section 41-619.53.
2 ~~(cc)~~ (dd) Section 41-1964.
3 ~~(dd)~~ (ee) Section 41-1967.01.
4 ~~(ee)~~ (ff) Section 41-1968.
5 ~~(ff)~~ (gg) Section 41-1969.
6 ~~(gg)~~ (hh) Section 41-2814.
7 ~~(hh)~~ (ii) Section 46-141, subsection A.
8 ~~(ii)~~ (jj) Section 46-321.
9 5. "Vulnerable adult" has the same meaning prescribed in section
10 13-3623.
11 Sec. 26. Section 41-1758.01, Arizona Revised Statutes, is amended to
12 read:
13 41-1758.01. Fingerprinting division; duties
14 The fingerprinting division is established in the department of public
15 safety and shall:
16 1. Conduct fingerprint background checks for persons and applicants
17 who are seeking licenses from state agencies, employment with licensees,
18 contract providers and state agencies or employment or educational
19 opportunities with agencies that require fingerprint background checks
20 pursuant to sections 8-105, 8-322, 8-509, 8-802, 15-183, 15-503, 15-512,
21 15-534, 15-782.02, 15-1330, 15-1881, 17-215, 26-103, 28-3413, 32-2108.01,
22 32-2123, ~~32-2371~~, 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02,
23 36-882, 36-883.02, 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53,
24 41-1964, 41-1967.01, 41-1968, 41-1969 and 41-2814, section 46-141, subsection
25 A and section 46-321.
26 2. Issue fingerprint clearance cards. On issuance, a fingerprint
27 clearance card becomes the personal property of the cardholder and the
28 cardholder shall retain possession of the fingerprint clearance card.
29 3. On submission of an application for a fingerprint clearance card,
30 collect the fees established by the board of fingerprinting pursuant to
31 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the
32 monies collected in the board of fingerprinting fund.
33 4. Inform in writing each person who submits fingerprints for a
34 fingerprint background check of the person's right to petition the board of
35 fingerprinting for a good cause exception pursuant to sections 41-1758.03 and
36 41-1758.07.
37 5. Administer and enforce this article.
38 Sec. 27. Exemption from rule making
39 For the purposes of this act, the department of transportation is
40 exempt from the rule making requirements of title 41, chapter 6, Arizona
41 Revised Statutes, through June 30, 2015.
42 Sec. 28. Retention of rules
43 All rules that relate to traffic survival schools and that are adopted
44 by the department of transportation before the effective date of this act
45 remain in full force until amended by the department of transportation.

1 Sec. 29. Existing authorized third parties

2 Notwithstanding section 28-5101.01, Arizona Revised Statutes, as added
3 by this act, an authorized third party who is authorized to perform driver
4 license functions before the department of transportation implements section
5 28-5101.01, Arizona Revised Statutes, as added by this act, is not required
6 to comply with the requirements prescribed in section 28-5101.01, subsection
7 C, Arizona Revised Statutes, as added by this act, until the renewal of the
8 authorized third party's current agreement.

9 Sec. 30. Existing professional driving schools

10 A professional driving school that is licensed pursuant to title 32,
11 chapter 23, Arizona Revised Statutes, shall renew the school's license as
12 prescribed in section 32-2374, Arizona Revised Statutes, and is not entitled
13 to any refund or proration of any of renewal fees paid pursuant to section
14 32-2374, Arizona Revised Statutes.

15 Sec. 31. Effective date

16 Sections 15-1851, 28-3307, 28-6991, 32-3021, 41-619.51, 41-1758 and
17 41-1758.01, Arizona Revised Statutes, as amended by this act, and section
18 28-3323, Arizona Revised Statutes, and title 28, chapter 8, article 7.1,
19 Arizona Revised Statutes, as added by this act, are effective from and after
20 June 30, 2014.